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LEGISLATIVE HISTORY

H. R. 7710

Public Law 85-914

TABLE OF CONTENTS

Index and summary.....	1
Digest of Public Law 85-914.....	2



## Index and Summary of H. R. 7710

May 22, 1957	Rep. Broyhill introduced H. R. 7710, which was referred to the House Post Office and Civil Service Committee.
March 5, 1958	House subcommittee ordered H. R. 7710 reported with amendment.
March 20, 1958	House committee reported H. R. 7710 with amendment. H. Rept. 1539. Print of bill and report.
April 21, 1958	House passed H. R. 7710 as reported.
April 22, 1958	H. R. 7710 referred to Senate Post Office and Civil Service Committee. Print of bill as referred.
July 30, 1958	H. R. 7710 reported by Senate committee with amendment. S. Rept. 2055. Print of bill and report.
Aug. 4, 1958	Senate passed H. R. 7710 as reported.
Aug. 15, 1958	House conferees were appointed.
Aug. 20, 1958	Senate conferees were appointed.
Aug. 21, 1958	Senate agreed to conference report.
Aug. 22, 1958	House agreed to conference report. H. Rept. 2692. Print of report.
Sept. 2, 1958	Approved: Public Law 85-914.

Hearings: Before House Committee on Post Office and Civil Service; March 5, 1958.



DIGEST OF PUBLIC LAW 85-914

CASH PAYMENTS FOR LEAVE OF DECEASED EMPLOYEES. Authorizes cash payment to beneficiaries for all annual leave to the credit of Federal employees, including payment previously denied for certain overseas employees, who die in the service.





# LUMP-SUM PAYMENT FOR ANNUAL LEAVE OF DECEASED EMPLOYEES

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HEARING  
BEFORE THE  
COMMITTEE ON  
POST OFFICE AND CIVIL SERVICE  
HOUSE OF REPRESENTATIVES  
EIGHTY-FIFTH CONGRESS  
SECOND SESSION  
ON  
H. R. 7710

A BILL TO PROVIDE FOR THE LUMP-SUM PAYMENT OF ALL  
ACCUMULATED AND CURRENT ACCRUED ANNUAL  
LEAVE OF DECEASED EMPLOYEES

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MARCH 5, 1958

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Printed for the use of the Committee on Post Office and Civil Service

71



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## CONTENTS

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Statement of—

Broyhill, Hon. Joel T., a Representative in Congress from the State of Virginia.....	Page 2
Friend, Carl, legislative attorney, James Campbell, legislative attorney, Office of the General Counsel, and John H. Martiny, legislative attorney, Office of Legislative Liaison, General Accounting Office..	6
McCart, John, legislative representative, the American Federation of Government Employees, AFL-CIO.....	8
Owen, Vaux, president, the National Federation of Federal Employees.....	10
Ryan, William H., District No. 44, International Association of Machinists, AFL-CIO.....	12
Walters, Thomas G., operations director, Government Employees' Council, AFL-CIO.....	12
Wolfsperger, Ellsworth, Overseas Affairs Division, Director of Civilian Personnel, Department of the Army.....	4



# LUMP-SUM PAYMENT FOR ANNUAL LEAVE OF DECEASED EMPLOYEES

WEDNESDAY, MARCH 4, 1958

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE  
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,  
Washington, D. C.

The subcommittee met at 10:15 a. m., pursuant to notice, in room 215, Old House Office Building, Hon. Charles O. Porter (chairman the subcommittee), presiding.

Mr. PORTER. The subcommittee will come to order.

This subcommittee, consisting of Mr. Beckworth, Mr. Hemphill, Mrs. Harden, and Mr. Wainwright, with myself as chairman, was appointed to consider the provisions of bill H. R. 7710. This bill provides lump-sum payment to the estate of the deceased overseas Federal employees who have accumulated leave in excess of 30 days.

(The bill, H. R. 7710, follows:)

[H. R. 7710, 85th Cong., 1st sess.]

A BILL To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That clause (6) of the Act of August 3, 1950, as amended, is further amended to read as follows:

"(6) Payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the period of such annual or vacation leave."

Mr. PORTER. Under the present law, Public Law 102, 83d Congress, the Federal employee in overseas duty is authorized accumulated leave not in excess of 45 days or such larger amount he had accumulated on January 1, 1954, and not used.

Stateside employees are authorized maximum accumulation in the amount of 30 days on the same basis. In the case of stateside employees, lump-sum payment is made for the entire amount of accumulated leave up to 30 days, plus his current accrued leave.

At the time the law was enacted, granting overseas employees 45 days' accumulated leave, no provision was made for the lump-sum payment of the additional 15 days accumulated leave. This bill would correct this inequity by authorizing such payment when the employee is separated from Federal service by death.

The matter of lump-sum payments for annual leave has been of concern to the Congress for a period of years. From time to time amendments have been made to the annual and sick leave law, which have both restricted and liberalized it.



The provisions of the bill before the subcommittee today, I believe, may be controversial in some areas. I therefore have invited testimony from the departments and agencies concerned, the employee groups, and the General Accounting Office so that we will have available to us all factual information and viewpoints on the matter.

Our first witness will be our colleague on the committee, Hon. Joel T. Broyhill, 10th District, Virginia, author of H. R. 7710, the bill being considered.

Mr. Broyhill, we are glad to have you with us. You may proceed.

**STATEMENT OF HON. JOEL T. BROYHILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA**

Mr. BROYHILL. Mr. Chairman, my name is Joel T. Broyhill, a Member of Congress from the 10th District of Virginia, and a member of the Committee on Post Office and Civil Service.

I have no prepared statement, Mr. Chairman. I just want to make a few brief comments on this proposed legislation.

I want, first of all, to thank the chairman for the courtesy of permitting me to appear here this morning, and thank the committee for their interest in this legislation and the scheduling of such prompt hearings.

Mr. Chairman, I think the legislation could be considered somewhat simple in form, and I hope noncontroversial, in spite of what the chairman said in his brief statement. I hope that any controversy that develops on the legislation will be merely proposals to further liberalize the legislation.

As the chairman pointed out, I believe that the legislation corrects a more or less unintentional oversight on the part of Congress in that it does permit the survivors of Federal employees to receive lump-sum payment for all accrued annual leave. That has been, I believe, the intent of Congress for quite some time.

Back in the act of December 21, 1944, the Congress permitted lump-sum payments for all accrued annual leave to the survivors of deceased employees, and has set up certain precedents for payment of those lump-sum payments.

In 1950 they further modified that act by simplifying the method of payment.

Then in 1952, I believe it was, we had an amendment to an appropriation bill offered by the gentleman from Texas, Mr. Thomas, to prohibit the accumulation of annual leave or carryover of accumulation of annual leave from year to year.

Then in 1953 or 1954, the 83d Congress, by Public Law 102, amended that amendment by permitting the Federal employee to again accumulate annual leave up to a maximum of 30 days, and provided for overseas employees to accumulate up to 45 days, and then further amended it by permitting the current annual leave to be added to that 30 or 45 days.

At the same time, the Congress stated that the lump-sum payments to the survivors of deceased employees would be limited to 30 days. I do not believe it was the intent of Congress at that time to exclude that extra 15 days in those lump-sum payments for overseas employees. They just mentioned that 30 days would be the maximum accrued annual leave that could be paid to the survivors.

We recognize that overseas employees should be permitted to carry over more annual leave than the stateside employees. This provides lump-sum payment. When this says "Pay accrued annual leave at 45 days," it takes care of that problem.

There are not too many employees involved, I think somewhere in the neighborhood of 200,000, and we are talking about that 15 days which we should have taken care of in Public Law 102. We are still only talking about those who die overseas and have accumulated the maximum amount of leave they were permitted to accumulate according to the law.

Back to the fact that I do not think this will be controversial, it does have the support of the Civil Service Commission and the Bureau of the Budget.

I do hope that the subcommittee will see fit to support this legislation and correct this obvious inequity or, as I say, unintentional oversight on the part of the Congress when they enacted Public Law 102 back in the 83d Congress.

That concludes my testimony.

Mr. PORTER. Thank you, Mr. Broyhill.

To your knowledge, has there ever been a distinction between overseas employees and stateside employees in the matter of fringe benefits?

Mr. BROYHILL. The distinction is in Public Law 102 of the 83d Congress.

Mr. PORTER. I mean a consciously made distinction in terms of leave.

Mr. BROYHILL. Not to my knowledge. I know that some overseas employees do have a separate leave system. I think the Panama Canal employees do.

Mr. PORTER. If anything, they would give a better set of fringe benefits to people overseas to attract them overseas?

Mr. BROYHILL. We did that in Public Law 102. We recognized that they justly should be permitted to accumulate more than 30 days we allow the local employees to accumulate. Surely we just did not think at the time, so that in this restriction on lump-sum payments we did not add that extra 15 days for the overseas employment.

Mr. PORTER. The point I was making was against what normally would be done to favor an overseas employee.

Mr. BROYHILL. Yes.

Mr. PORTER. If someone put down 30 days, they were not thinking about the additional 15 days?

Mr. BROYHILL. If it had been called to the committee's attention at that time, I think we would have corrected it.

Mr. PORTER. Mr. Thomas' position has not been against this particular feature?

Mr. BROYHILL. Not to my knowledge.

Mr. PORTER. He has been concerned with the whole question of leave and accrued leave?

Mr. BROYHILL. That is my understanding.

Mr. PORTER. I spoke to him and gave him an opportunity to appear, and he said he did not wish to appear, so apparently that is so.

Do you have questions?

Mr. HEMPHILL. I want to commend the gentleman for introducing this legislation.



Mr. PORTER. Mr. Wainwright has just joined us.

Do you have any questions of Mr. Broyhill, who is the author of this legislation?

Mr. WAINWRIGHT. I am very much in favor of it.

Mr. PORTER. Thank you very much, Mr. Broyhill.

You are welcome to sit with us today if you so desire. In fact, it would be of considerable advantage to this subcommittee if you would do so.

Mr. BROYHILL. Thank you, Mr. Chairman.

Mr. PORTER. We will call Mr. Wolfesperger of the Overseas Affairs Division, Directorate of Civilian Personnel, Department of the Army.

**STATEMENT OF ELLSWORTH WOLFSPERGER, OVERSEAS AFFAIRS  
DIVISION, DIRECTOR OF CIVILIAN PERSONNEL, DEPARTMENT  
OF THE ARMY**

Mr. WOLFSPERGER. Mr. Chairman and members of the committee, I am Ellsworth C. Wolfesperger, Chief, Overseas Affairs Division, Deputy Chief of Staff for Personnel, Department of the Army.

The Secretary of Defense has designated the Department of the Army as the agency responsible for presenting the views of the Department of Defense on H. R. 7710, and I am representing the Department for that purpose.

The Department of Defense recommends enactment of H. R. 7710 since it will remove an inequity which currently exists with respect to payments for annual leave remaining to the credit of employees at time of death.

The act of August 3, 1950, as amended by the act of September 1, 1954, Public Law 763, 83d Congress, provides that payment will be made for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he remained in the service until the expiration of the period of such annual leave.

That act provides, in addition, however, that lump-sum payments shall not include compensation for a period of accumulated leave in excess of 30 days, plus leave that is currently earned, or leave in excess of the number of days of accumulated leave to which he is entitled on date of separation, excluding accumulated leave earned in the 1954 leave year and thereafter, plus current accrued leave. The greater of the two amounts of leave is authorized to be paid.

The present restrictions are inequitable as they affect employees who serve outside the continental limits of the United States. While so serving, they are entitled to accumulate 45 days of leave, whereas employees in the continental United States may accumulate only 30 days of leave.

At present, however, payment may not be made for accumulated leave in excess of 30 days where such leave has been accumulated since 1953, thus negating in part the provisions of law which permitted the employee to accumulate the additional 15 days of annual leave while serving outside the continental United States.

Under H. R. 7710, payment would be authorized for all accumulated leave to the employee's credit at time of death, plus currently earned leave, equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the



period of such leave. We feel that the proposed legislation will remedy a situation which was not considered when the 1954 amendments were made.

The Department of Defense has no statistics available on the number of employees who have accumulated leave to their credit beyond 30 days which was earned by reason of overseas service. Even if all of the employees serving outside the continental United States have the maximum of 45 days accumulated leave, the cost of the proposed legislation would be relatively insignificant and could readily be absorbed.

I appreciate the opportunity to appear before this subcommittee in support of H. R. 7710.

Mr. PORTER. Mr. Wolfesperger, are you aware of any considerable desire by your stateside employees to have the same privilege of accumulating 45 days of leave that the overseas employees have?

Mr. WOLFSPERGER. I will have to say, Mr. Chairman, that I did not come prepared this morning to give an assessment on that particular point. I believe, just as a normal feature from the employees' standpoint, that he does like to accumulate leave, I would presume, indefinitely, but the Congress, in its wisdom, says that there shall be a certain maximum.

Mr. PORTER. I want to make it clear that what I had in mind when I mentioned controversies was that there were some who wanted that discussed here. I do not see it as part of this hearing. I see this as correcting an inequity, and I am sure that is Mr. Broyhill's point of view, and not as taking up the whole question of should stateside employees be allowed to accumulate leave of 45 days.

I was wondering if you were conscious of any particular move in that direction.

Mr. WOLFSPERGER. This, in my opinion, will boil down to a matter of judgment as to what should be the proper maximum of leave because, from the management standpoint, the real purpose of leave is to have the persons take leave for the benefits that they will accrue. There are, however, advantages for accumulation of that portion which one is not able or does not have the desire to take during the particular year.

As I say, I am not in a position at this moment to give any assessment as to whether there is any ground swell toward some change in the current maximum.

Mr. PORTER. I do not regard it as relevant, but I wanted to get your opinion on it.

Mr. Hemphill.

Mr. HEMPHILL. I would like to commend the gentleman on his statement.

I might say that on another subcommittee, I happened to be associated with the gentleman and am always appreciative of his timely and able advice. I have only one question, sir.

I notice in your statement you said the act of September 1, 1954. Was that actually the act that put the 30-day limitation on it?

Mr. WOLFSPERGER. That is my impression, sir.

Mr. HEMPHILL. From a technical standpoint, would you advise that the language be amended to mention clause 6 of section 2?

Mr. WOLFSPERGER. I would say definitely so, to eliminate any confusion.

Mr. HEMPHILL. Is there any other suggestion you would have along that line?

Mr. WOLFSPERGER. No, sir.

Mr. HEMPHILL. Thank you, sir.

Mr. PORTER. Do you have any questions, Mr. Broyhill?

Mr. BROYHILL. No.

Mr. PORTER. Thank you very much.

We now call Mr. Carl Friend, Mr. James Campbell, and Mr. John H. Martiny, from the General Accounting Office.

**STATEMENTS OF CARL FRIEND, LEGISLATIVE ATTORNEY, JAMES CAMPBELL, LEGISLATIVE ATTORNEY, OFFICE OF THE GENERAL COUNSEL, AND JOHN H. MARTINY, LEGISLATIVE ATTORNEY, OFFICE OF LEGISLATIVE LIAISON, GENERAL ACCOUNTING OFFICE**

Mr. PORTER. Let me say that I have looked over your statement which is very much in point, but it does seem to be at least in part repetitious of some of the things that are before us. Perhaps that is inevitable in view of simplicity of the situation.

I am glad to have your statement filed, or if you prefer to read it to make sure we understand it, that is all right.

Mr. FRIEND. I would be glad to read it.

Mr. PORTER. I would be glad if you did not read it and just paraphrase it. I do not mean any discourtesy, but it does seem to me that we are not dealing with a different aspect.

Mr. FRIEND. I might add that we agree that this reference to section 2 should be in there, but otherwise, I think the language is all right.

Mr. PORTER. Then the testimony we have heard so far agrees with your own stand here, and what you would say to supplement what has been said?

Mr. FRIEND. I would not add anything except the reference to section 2. I do not think any of the other language is necessary because the way it is worded now, we go right back to the leave laws or regulations under which the restriction on the amount of leave you can accumulate is set forth and I think that that would cover it very well.

Mr. PORTER. I take it the General Accounting Office does not consider this bill as raising the question of whether stateside employees ought to have 45 days of leave to accumulate.

Mr. FRIEND. No, we have not considered that, Mr. Chairman.

Mr. PORTER. This is to correct an inequity that somehow crept into the law?

Mr. FRIEND. I think most of the employees agree that there should be some differential for the employees overseas because, of course, it takes them longer to get back and they should be able to spend some time in the United States.

Mr. PORTER. This is really perfecting a differential with regard to the differential of leave so that if the man dies he can get the benefit.

Mr. FRIEND. The man in the States cannot get paid for it in a lump sum, but he is permitted to use it.

Mr. PORTER. Do you gentlemen wish to add anything.

Mr. FRIEND. No.

Mr. PORTER. I do not see any point in going over it in too much detail.

I thank you for coming and presenting the statement.

Mr. Hemphill.

Mr. HEMPHILL. I assume you agree with Mr. Wolfspurger that the cost would be negligible?

Mr. FRIEND. Yes.

Mr. BROYHILL. Mr. Friend, on the second page, you refer to the Panama Canal Company employees. Would you explain briefly how that differs from the other overseas employees on how they would be affected in this bill?

Mr. FRIEND. Of course, I think it was in April 1954 when the Panama Canal employees requested that they be brought under the act of August 2, 1950, so far as their deceased employees were concerned. Prior to that, they were being paid under their own regulation in the Panama Canal and they could be paid up to 90 days accumulated leave. I think that the regulations of the Panama Canal permitted this.

Then they requested that they be brought under this act of 1950 and that happened, and in September 1954 this amendment was made to the act of August 2, 1950, which precluded anybody overseas from adding to their accumulation of any leave after the 1954 leave year.

Actually, it affected them in that they could no longer be paid for the 90 days if any of that included leave earned in 1954 and subsequent years.

Mr. BROYHILL. This will permit them to be paid up to 90 days if the leave may have been accumulated subsequent to 1954?

Mr. FRIEND. Yes, sir; it would.

Mr. BROYHILL. With respect to the Panama Canal employees, we are talking about an extra 60 days rather than an extra 15 days?

Mr. FRIEND. That is right. They have always been permitted to be paid up to 90 days as far as I know.

Mr. PORTER. Thank you, gentlemen.

(Prepared statement of Mr. Friend follows:)

STATEMENT OF CARL P. FRIEND, OFFICE OF GENERAL COUNSEL,  
GENERAL ACCOUNTING OFFICE

Mr. Chairman and members of the committee, the bill, H. R. 7710, which this subcommittee is considering would amend the act of August 3, 1950 (5 U. S. C. 61g, clause 6), which concerns settlement of accounts of deceased Government employees, so as to provide for the payment in deceased cases for all accumulated or accrued annual leave to the credit of an officer or employee at the time of his death.

Under existing law payment for leave is authorized in deceased cases for the greater part of (1) not in excess of 30 days' accumulated annual leave, plus the annual leave which has accrued for the current year to date of death, or (2) if the employee had in excess of 30 days' annual leave which he was authorized to carry over from the preceding leave year, his beneficiary or next of kin may be paid for that amount of leave, plus annual leave for the current year accrued up to date of death. However, the law states with respect to leave in excess of 30 days that the accumulated leave shall not include any such leave earned in the 1954 leave year and thereafter.

The Annual and Sick Leave Act of 1951, as amended, authorizes employees in the United States to accumulate up to 30 days' annual leave each year and for employees overseas up to 45 days. If employees had in excess of these amounts of annual leave, the law permits such excesses to be retained until reduced by using the same.



In view of that portion of clause 6 of section 2 of the amended act of August 3, 1950, which excludes payment for any annual leave accumulated in the 1954 leave year and thereafter, it would appear that a regular overseas employee who is authorized to accumulate up to 45 days' annual leave would not, in the event of his death, be entitled to have payment made to his beneficiary or other person for any of such leave accumulated during the 1954 leave year or subsequent leave years. In other words, if an employee with 31 days of annual leave went overseas at any time since 1954, he would be entitled to accumulate up to 45 days of annual leave. However, if he died after accumulating 45 days, his beneficiary could receive payment for only 31 days, plus the leave due for the year in which he died.

Likewise, officers and employees of the Panama Canal Company and the Canal Zone Government who are authorized under their leave system to accumulate up to 90 days' leave would not, in the event of death, be entitled to have their beneficiaries or other persons receive payment for any part of such 90 days which has been accumulated during 1954 and subsequent years.

It should be observed that overseas employees in case of separation would be entitled to payment for the full amount of their accumulated leave, but not for leave earned during the year in which they are separated. However, in most cases they do get the benefit of such current leave by taking it immediately prior to separation from the service.

When clause 6 of section 2 of the act of August 3, 1950, was amended by section 501 of the act of September 1, 1954 (68 Stat. 1115), we do not believe there was any intention to deny payment for the full amount of annual leave which an overseas employee could accumulate. Rather, it appears that the primary purpose, as indicated in the legislative history of the enactment, was to permit inclusion in the lump-sum leave payment of the amount of annual leave accrued in the year of death, that is, current accrued leave.

Accordingly, we perceive no objection to the proposed amendment. The language of such amendment appears sufficient to accomplish the purpose intended, the effect thereof being to authorize payment in deceased cases for all accumulated and current accrued annual leave which an employee is authorized to accumulate or to accrue under other laws or regulations.

Mr. PORTER. I understand that the Civil Service Commission has a favorable report filed with the committee on this bill.

Mr. Denney is here this morning to answer any technical questions we have, but has nothing to add to the formal report, so that we will call Mr. McCart next.

**STATEMENT OF JOHN McCART, LEGISLATIVE REPRESENTATIVE,  
THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,  
A. F. L.**

Mr. McCART. My name is John A. McCart, legislative representative of the American Federation of Government Employees, A. F. of L.

Mr. PORTER. Are you willing to file your statement?

Mr. McCART. I certainly am, Mr. Chairman. I see no need to belabor the question involved. It is a simple matter of equity.

It is our opinion certainly that Congress did not intend to deprive these employees or their survivors of the additional amount they can accumulate under other features of the law. It seems to us that this legislation is eminently fair and I would like to thank Congressman Broyhill for sponsoring the bill in question.

The insignificant cost of the measure has been covered by previous witnesses. The history of the legislation has been covered by previous witnesses, and I think that the committee taking favorable action on the bill will result in clearing up in the future an inequity which has been visited upon overseas employees in the past.

I would like, if I may, Mr. Chairman, to read into the record one paragraph from a letter we received from Russell M. Lovelady, presi-

dent of AFGE Local No. 14 in the Canal Zone, dated February 23, 1958:

For example, just 1 year ago one of my close friends, Mr. Nelson Magner died. He had to his credit at the time of death 594 hours of accumulated and current accrued leave. However, because he had only 320 hours to his credit at the end of his 1953 leave year, that number of hours was the most that his widow could be paid in leave commutation. Hence it is simple to compute her loss of 274 hours or \$1,550.84. This is only one example; there are many others, though not involving such substantial amounts.

The point I want to make, Mr. Chairman, is that this is not simply a matter of a benefit to employees. This is a matter of a benefit to surviving widows and children following the death of an employee, when this money is so badly needed.

Mr. Chairman, we certainly hope that the committee will take favorable action on H. R. 7710. I want to say thanks for the opportunity of presenting our views to you.

Mr. PORTER. Thank you very much.

Mr. Hemphill.

Mr. HEMPHILL. I have no questions.

Mr. PORTER. Mr. Broyhill.

Mr. BROYHILL. I have no questions.

(The prepared statement of Mr. McCart follows:)

#### STATEMENT OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

The bill, H. R. 7710, sponsored by Representative Broyhill, would correct an evident inequity in the law which controls the payment for accumulated and current annual leave to the survivors of employees who have been assigned to overseas duty and who died while in service.

The American Federation of Government Employees wholeheartedly supports this bill and believes it should be enacted as quickly as possible. It is the type of bill to which it would be difficult to find a valid objection.

Enactment of this bill will entail little cost for several reasons. The potential number of employees to whom it would apply could not in the normal course of events be large. There are fewer than 200,000 Federal employees serving in the Territories or countries overseas. The number of deaths among a group of this size would be small, and among this lesser group those having an accumulation of annual leave large enough to benefit from this bill would further reduce the potential beneficiaries of such legislation. Furthermore, the added payment cannot generally exceed the value of 15 days of annual leave at the rate of salary which is current at the time of the employee's death.

To point up the need of enactment of the bill, H. R. 7710, it will be helpful to review very briefly the history of legislation authorizing lump-sum payments for accumulated annual leave. This bill has a clear meaning only in relation to the laws which have preceded it. Changes in the law have created the inequity which still exists between employees in continental United States and those assigned to duty overseas.

Payment in a lump sum for annual leave accumulated prior to an employee's death or separation from Government service was first authorized by the act of December 21, 1944. That law contained a provision—section 2—which set up an order of precedence in payments in a lump sum for accumulated and current accrued annual leave. They were to be made first to designated beneficiaries and then to the estate of the deceased employee.

The order of payment for leave accumulation was modified in the act of August 3, 1950. The purpose of this law was to simplify and improve the method of settling and adjusting the accounts of deceased civilian Government employees. Section 2, clause 6, of that act stipulated the manner of payment for accumulated leave, and it has almost the exact working of the enactment proposed in H. R. 7710, for the existing situation will be corrected by reinstating the earlier law.

The next change came in the act of July 2, 1953, which established certain exclusions from the benefits of lump-sum payments for accumulated leave. The effect of this amendment was to overlook the survivors of overseas employees



who were permitted to accumulate 45 days of leave in contrast to the 30-day accumulation by employees in continental United States. Now the survivor could be paid only for leave not in excess of 30 days, or for the amount of leave carried over to the credit of the decedent at the beginning of the leave year. If the employee had carried over 30 days or less, the current accrual would of necessity be lost if it could not be used.

The so-called Fringe-Benefit Act of September 1, 1954, had the further effect of excluding the addition of leave accumulated during the 1954 leave year or thereafter. This amendment contained the handicap to the survivors of overseas employees by maintaining the 30-day limitation, even though it permitted the total amount of leave to an employee's credit to be increased by adding leave currently accrued. The potential loss for the survivors of overseas employees became 15 days, or more if, during 1 leave year, the accumulation had been reduced below 30 days.

It is evident then that there is no basis for distinction which the law now makes between employees in this country and those overseas. It is only simple fairness to predicate the lump-sum payment for accumulation of leave on the same basis as the accumulation itself—and permit payment normally for 45 days instead of the existing 30 days.

We submit, Mr. Chairman and members of your subcommittee, that this bill deserves and favorable and early passage.

Mr. PORTER. We will now call Mr. Vaux Owen, president of the National Federation of Federal Employees.

#### STATEMENT OF VAUX OWEN, PRESIDENT, THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. OWEN. Mr. Chairman, my name is Vaux Owen. I am president of the National Federation of Federal Employees.

Mr. PORTER. Would you wish to file your statement, Mr. Owen, and comment informally?

Mr. OWEN. I would be glad to file it without reading it.

Mr. PORTER. You are perfectly welcome to read it. I do not want to cut off anyone who prefers to read his statement.

Mr. OWEN. I would like to make a comment or two with respect to the question raised by Congressman Hemphill.

We have no objection. I think it would clarify the bill to add section 2. I am not clear in my mind that this bill applies only to overseas employees and the extent of the act to which Mr. Hemphill referred, Public Law 102, as an amendment or restating of clause 6 of section 2 of the act of August 3, 1950, seems to me to be supplanted by language found in Public Law 763, section 501, so that the section to which Mr. Hemphill referred is no longer the law and the law would be found in section 501 of Public Law 763.

The effect of that, Mr. Chairman, as I understand it, is that the beneficiaries or estate of an employee, whether it be overseas or stateside, could not receive pay for leave that accumulated if the amount accumulated since the beginning of the 1954 leave year, and when added to his current accrued leave would exceed 30 days.

That, I understand, is the meaning of that language. If it is, it would apply then to all. Certainly it would apply to the overseas employees.

If that be true, as I understand it, Mr. Broyhill's bill, which we certainly endorse and heartily favor, would eliminate this section 501 in Public Law 763 and make the law as it was when the act of August 1, 1950, was passed.

Mr. CASSELL. Mr. Chairman, the legislative history as stated by Mr. Owen is substantially correct. The reference that you have to

Public Law 763 was where authorized payment was for the accumulated plus accrued leave. The reference to clause 6 of section 2 as amended is technically correct, but in making the committee amendment, that can all be drawn together.

The language of bill H. R. 7710 in effect takes it back to the act of 1950, which states that they shall be paid for all authorized accumulated annual leave. It affects the overseas employees only because they are the only ones that are authorized more than 30 days accumulated leave. It does not affect the stateside employees because they are now being paid for their authorized accumulated and accrued leave. Overseas employees are being paid only for 30 days of their accumulated leave plus accrued leave. This authorizes payment up to the limitation of 45 days in general, and in the case of the Panama Canal employees, 90 days.

Mr. PORTER. Did I understand you to say that you thought the amendment ought to be to a different law than the one just mentioned?

Mr. OWEN. No.

Mr. CASSELL. It is basically section 2 as amended.

Mr. PORTER. Mr. Hemphill.

Mr. HEMPHILL. I want to be thoroughly satisfied that Mr. Broyhill's bill accomplishes exactly what it started out to do.

Mr. CASSELL. With the corrections in reference, I believe it will.

Mr. HEMPHILL. Put in "section 2 as amended" line 3 after "the bill."

Mr. CASSELL. The technicalities of the legislative history will have to be worked out with Mr. Johnson of the legislative counsel to be sure that everything is covered. It is just a matter of a technical change in reference to current law.

Mr. HEMPHILL. We thank the gentleman for bringing it to our attention.

Mr. PORTER. Mr. Broyhill.

Mr. BROYHILL. I have no questions.

Mr. PORTER. Thank you very much, Mr. Owen.

Mr. OWEN. We are glad to have the opportunity to appear.

(The prepared statement of Mr. Owen follows:)

#### STATEMENT OF VAUX OWEN, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. Chairman and members of the subcommittee, I am Vaux Owen, president of the National Federation of Federal Employees. I wish to express to the subcommittee, on behalf of our organization, strong support for H. R. 7710, which amends the act of August 3, 1950 (Public Law 636, 81st Cong.), as amended, to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased Federal employees.

Accumulated annual leave is the unused annual leave to the credit of an employee at the beginning of the current leave year. The current accrued annual leave is the unused portion of the annual leave which accrued to the credit of the employee during the current leave year.

As far back as 1936, an act of the Congress (Public Law 471, 74th Cong.), provided that the granting of annual leave with pay is mandatory (16 Comp. Gen. 74), and also provided that it could be accumulated up to 60 days. Then, with the advent of World War II, it was found that the war effort would not permit the granting of accumulated annual leave in many situations, and an act (Public Law 806, 77th Cong.), was passed which provided that annual leave might be accumulated up to 90 days instead of 60 days so that employees, forced to forgo vacations during the war, might have increased accumulations of annual or vacation leave to be used later. Public Law 102, 83d Congress, limits accumulation to 30 days.



In 1944, there was an act (Public Law 525, 78th Cong.), which provided for payment of compensation in a lump sum for accumulated and accrued annual leave upon separation. It also provided that, upon the death of an employee, compensation would be paid in a lump sum for all of his accumulated and current accrued annual leave.

The act of August 3, 1950, provided that payment in settlement of the account of a deceased employee would include payment for all accumulated and current accrued annual leave. An amendment in 1954 (Public Law 763, 83d Cong.), now prevents payment for any accumulated leave earned in the 1954 leave year or thereafter which exceeds 30 days.

H. R. 7710 would permit payment for all accumulated and current accrued annual leave as provided in the act of August 3, 1950, and, in effect, would repeal the 30-day limitation in the 1954 amendment.

Favorable action on this legislation is clearly indicated, in our opinion, as a matter of justice and equity. The leave for which payment would be made has been earned by the employees and it is, therefore, right and proper that payment for it should be made to their beneficiaries or estates.

We respectfully urge that the subcommittee make a favorable report on this very desirable piece of legislation.

Mr. PORTER. Mr. Walters.

#### **STATEMENT OF THOMAS G. WALTERS, OPERATIONS DIRECTOR, GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO**

Mr. WALTERS. I would just like the record to show that on behalf of the Government Employees' Council, we say "amen" to what has been said here this morning. We are happy to come before this committee when everybody seems to be of the same frame of mind, and there is no difference of opinion.

We, too, endorse the intent of this legislation, and on behalf of the National Association of Letter Carriers and the National Postal Transport Association, I was asked a few moments ago to put them also on the record as being in favor of the intent of this legislation.

Thank you very kindly.

Mr. PORTER. Are there any questions?

Thank you very much, Mr. Walters.

Mr. RYAN, president of District No. 44, International Association of Machinists.

#### **STATEMENT OF WILLIAM H. RYAN, PRESIDENT, DISTRICT NO. 44, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL-CIO**

Mr. RYAN. Mr. Chairman and members of the subcommittee my name is William H. Ryan. I am president and legislative representative of District No. 44 of the International Association of Machinists, AFL-CIO.

Mr. PORTER. Mr. Ryan, without seeking to put pressure on you, do you mind if I ask you the same question about filing your statement? Does it bring up a new aspect of this discussion?

Mr. RYAN. No, sir. I have no objection to filing my statement.

I would just like to say that our organization represents a sizable group of people employed in the Panama Canal Zone and we have a small number of people who are assigned to overseas service duty.

We heartily subscribe to the intent of this bill, and we hope that this subcommittee will recommend it favorably to the full committee and that its speedy enactment will be the result.



Mr. PORTER. I certainly do not want to cut you off in any way. If you want to go into any of these matters more specifically with us, we are here for that purpose, but, as I see it, and apparently as the others here see it, it is not a complex problem and therefore, if you have any other comments, I would be glad to have them at this time.

I recognize your interest in the matter.

Mr. RYAN. Mr. Chairman, I have not seen any opposition to this bill here this morning, so I do not know that I could comment any further on what has already been said.

Mr. PORTER. We will include your statement in the record.

(Prepared statement of Mr. Ryan follows:)

STATEMENT OF WILLIAM H. RYAN, PRESIDENT OF DISTRICT NO. 44, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL-CIO

Mr. Chairman and members of the subcommittee, my name is William H. Ryan. I am president and legislative representative of District No. 44 of the International Association of Machinists, AFL-CIO. District No. 44 is composed of local lodges of the International Association of Machinists located throughout the United States and insular possessions. These lodges are composed of large numbers of individual members who are employed by the Federal Government as machinists, toolmakers, skilled machine operators, welders, auto mechanics, office equipment repairmen, aircraft mechanics, apprentices, helpers, etc.

I am deeply appreciative for this opportunity to place the wholehearted endorsement of our organization on the intent of H. R. 7710 introduced by Congressman Broyhill of Virginia.

The purpose of H. R. 7710 is to provide for the lump-sum payment of all accumulated and current accrued annual leave to the estates of deceased employees.

If it be argued that the individual himself does not benefit from payment of leave accrued, which may be deemed "personal vested interest," one must consider that no individual is entirely independent of other humans. Few persons are without family ties, and family responsibilities. Insurance policies are but one of many ways in which an individual may seek to save, to provide for his dependents in case of his death. One may accumulate cash savings, or may invest in stocks, bonds, United States Government savings bonds, and other means of building up assets to pass on to his beneficiaries. One of the basic motivations in human nature is to provide for the continuity of his responsibility to his family even after death. It is socially and morally impossible to separate a man from his family ties. Personal property, as such, is common property in most marriages, and, in any event, becomes the property of legal assignees in a will or a probate decision after an individual dies if he has such personal property for distribution to survivors.

In recognition of the moral imperatives implicit in this argument, many private enterprises are negotiating contracts with labor unions which include, in the vacation pay provisions (which, for all practical purposes, are the same as annual leave), a clause which carries the separation idea to its logical conclusion, and includes separation for death.

Typical of such clauses in union contracts is the following from the 1958 agreement between the International Association of Machinists, AFL-CIO, and Bendix Aviations Pioneer-Central Division: Article XVI. Vacations, paragraph (g):

"Payment of vacation allowance to which an employee would otherwise be entitled to under this paragraph shall not be denied because of separation of the employee from the payroll by death prior to vacation allowance payments."

The same provisions are included in a great many of other union-management contracts.

In this connection it should be pointed out that the Kansas City division of Bendix is under contract to the Atomic Energy Commission. Its plant was built and is owned by the United States Government. Expenditures under the Atomic Energy Commission contract must be approved by the USAEC, a Government agency, before they may be disbursed. In a similar vein, General Electric's Knolls Laboratory, in Schenectady, N. Y., which is also an AEC-control, private-enterprise-operated plant, has the following clause in its contract with the International Association of Machinists, which has been effective since 1955.

"Article XIII, paragraph 4, 'Termination of employment':

"An employee who quits, is discharged, dies, or retires will promptly thereafter receive the full vacation allowance to which he may then be entitled. In the case of an employee who dies, vacation allowance will be treated as wages owed to the employee, and payment made accordingly."

A great number of the more than 15,000 contracts negotiated by the International Association of Machinists with private employers contain similar provisions. Some merely say that vacation pay (or annual leave, as it is termed in some contracts) shall be paid on termination for all causes. Most others are specific about the death provision.

The Machinist Union is only one of hundreds of national and international unions negotiating contracts with employers, all of whom have negotiated similar clauses in their contracts.

The significant factor, here, however is that in the case of the Atomic Energy Commission Government-owned and private-industry-operated plants, the Government is now paying what amounts to annual leave from public funds to employees, through the intercessory of private corporations. In a similar vein, contracts negotiated with aircraft industry contains similar clauses. Eighty-five percent of all aircraft built by the aircraft industry, and 100 percent of all missile work produced by the aircraft industry, are sold exclusively to the United States Government. In many cases, aircraft and guided missile plants are owned by the United States Government, and the payroll is paid by the United States Government through its purchases of material, and control over the technical and fiscal details of the contracts with private enterprise. Thus, again, the Government is now paying what amounts to annual leave to private industry employees employed by concerns whose fiscal ability is controlled by the United States Government.

Thus, we have a moral case for the passage of the bill in the logical extension of the pattern already existing in private contract negotiations with unions which include payment of all vacation pay to employees separated because of death, and the economic argument of precedent, in which we see the Government already accepting the principle of paying vacation pay on death by subsidizing corporations who agree to such clauses in their agreements with employee unions.

The existing law, if interpreted to exclude any portion of payment of accrued annual leave on separation because of death, is illogical and incomplete. The intent of the language of H. R. 7710 would remove this illogic, and render the law a complete and satisfactory vehicle.

I wish to take this opportunity of thanking the chairman and the subcommittee for the opportunity given our organization to express its views on H. R. 7710; and I shall be happy to answer any questions I am qualified to answer. Thank you.

Mr. PORTER. Mr. Hemphill, do you have any questions?

Mr. HEMPHILL. I have no questions.

Mr. PORTER. Thank you very much, Mr. Ryan.

Are there any other witnesses who wish to be heard? If not we will proceed to executive session.

(Thereupon, at 10:50 a. m., the committee proceeded to executive session.)

X











# H. R. 7710

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1957

Mr. BROYHILL introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That clause (6) of the Act of August 3, 1950, as amended,  
4       is further amended to read as follows:

5       “(6) Payment for all accumulated and current accrued  
6       annual or vacation leave equal to the compensation the  
7       decendent would have received had he lived and remained in  
8       the service until the expiration of the period of such annual  
9       or vacation leave.”

I

85TH CONGRESS  
1ST SESSION

# H. R. 7710

## A BILL

To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

By Mr. BROYHILL.

MAY 22, 1957

Referred to the Committee on Post Office and Civil Service







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued March 6, 1958  
For actions of March 5, 1958  
85th-2d, No. 35

## CONTENTS

Acreage reserve.....9		
Alcohol.....22		
Annual leave.....5		
Appropriations.....9		
Barter.....8		
Budgeting.....1,16		
Dairy industry.....11,21		
Export control.....3		
Family farm.....15		
Farm program.....10	Marketing.....13	Soil bank.....9,14
Food stamps.....18	Personnel.....19	Surplus commodities.....8
Foreign affairs.....7	Poultry.....13	Surplus food.....18
Foreign trade.....8	Price supports.....12,21	Trade agreements.....6,17
Grain.....22	Public Law 480.....8	Travel.....19
Information.....2	Public works.....20	Water utilization.....4

HIGHLIGHTS: Senate committee ordered reported bill to extend Public Law 480. House debated accrued expenditures budgeting bill. House committee ordered reported bill to regulate withholding of information by agencies. Rep. Anfuso introduced and discussed food stamp plan bill. Rep. Judd inserted Secretary's Minneapolis speech.

## HOUSE

1. BUDGETING. Began debate on H. R. 8002, to provide for budgeting on an accrued expenditure basis. (pp. 3022-54) Amendments to the bill will be considered today, Mar. 6.
2. INFORMATION. The Government Operations Committee ordered reported H. R. 2767, to prevent Federal agencies from withholding information or limiting the availability of records to the public. p. D177  
Received the report of the U. S. Advisory Commission on Information (H. Doc. 348). p. 3067
3. EXPORT CONTROL. The Banking and Currency Committee ordered reported H. R. 10127, to extend for an additional 2 years the authority to regulate exports contained in the Export Control Act. p. D177
4. WATER UTILIZATION. The Interior and Insular Affairs Committee ordered reported S. 2037, to authorize the performance of necessary protection work between the Yuma project and Boulder Dam, and S. 1031, with amendment, to construct and maintain four units of the Greater Wenatchee project, Wash. p. D177

House-2- March 5, 1958

5. ANNUAL LEAVE. A subcommittee of the Post Office and Civil Service Committee ordered reported with amendment H. R. 7710, to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.  
p. D177
6. TRADE AGREEMENTS. Rep. Lankford spoke in favor of extension of the reciprocal trade program, and cited the benefits of the program to certain industries.  
p. 3054
7. FOREIGN AFFAIRS. Received from the President the second report pursuant to the Joint Resolution to Promote Peace and Stability in the Middle East (H. Doc. 349). pp. 3020-21

#### SENATE

8. FOREIGN TRADE; SURPLUS COMMODITIES. The "Daily Digest" states that the Agriculture and Forestry Committee "ordered favorably reported an original bill extending the Agricultural Trade Development and Assistance Act for two years, authorizing \$1.5 billion in each of the next two fiscal years, and \$500 million for fiscal 1958. Committee also extended title II of this act for two years, and adopted an amendment directing an increased barter program."  
p. D175
9. SECOND SUPPLEMENTAL APPROPRIATION BILL, 1958. At the end of this Digest is a table showing actions on USDA items by the Senate committee in reporting this bill (see Digest 34). The Senate committee report contains the following comments:

#### GENERAL STATEMENT

"The committee has noted that many of the items for salaries and expenses for which funds have been provided in this bill have been justified on the basis of action by the Civil Service Commission in increasing or revising minimum rates under which qualified eligibles can be recruited for scientist and engineer positions. In many of these instances it appears that funds have already been allocated for such purpose, and the supplemental requests are made in order to continue such increased salaries.

"While the authority for the Commission, as contained in section 803 of the Classification Act of 1949, as amended by Public Law 763 of the 83rd Congress, states that such actions or revisions shall have the force and effect of law, the committee believes that such increased rates should not become effective until funds are specifically requested and approved by the Congress for that purpose." (This statement does not apply to any of the USDA items in this bill.)

#### AGRICULTURAL RESEARCH SERVICE

#### SALARIES AND EXPENSES

#### Research

"The committee recommends an additional amount under this head, of \$12,500 to begin urgently needed Federal research on pear decline, which disease has caused large losses to pear production in recent years, in the Pacific Northwest.







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued March 21, 1958  
For actions of March 20, 1958  
85th-2d, No. 45

## CONTENTS

Acreage allotments.....1,24		
Adjournment.....11		
Annual leave.....2		
Area development.....7		
Appropriations.....5,37		
Budgeting.....6		
Contracts.....38		
Cotton.....1		
Dairy industry.....19	Forestry.....3,16,29	Purchasing.....38
Dairy prices.....1	Grain storage.....14	Reclamation.....27
Economic situation....9,22	Housing loans.....14	Rice.....1
Electrification.....27	Irrigation.....39	Roads.....33
Export-Import Bank.....15	Lands.....29	Surplus commodities....12
Farm housing.....14	Legislative program..10,24	Tariff.....36
Farm policies.....21	Meat packers.....4,13	Textiles.....31
Farm program.....8,18,28	Meat prices.....23	Trade agreements.....30
Farm statistics.....28	Personnel.....2,26	Transportation tax.....32
Federal aid.....9	Price supports.....1,24,28	Water resources.....25
Food stamps.....35	Property.....34	Wheat imports.....17
Foreign trade.....12	Public Law 480.....12	Wilderness areas.....20

HIGHLIGHTS: House passed measure to freeze price supports and acreage allotments. Senate passed bill to extend Public Law 480. Sen. Cooper commended Secretary for expanding farm housing loan program. Senate made bill to transfer certain functions under Packers and Stockyards Act to FTC unfinished business.

HOUSE *Mar. 20, 1958*

PRICE SUPPORTS; ACREAGE ALLOTMENTS. Passed, as reported, by a vote of 210 to 172, S. J. Res. 162, to prohibit reductions in price supports or acreage allotments below 1957 levels (pp. 4355-4400). Adopted the Committee amendment to make the measure effective as to price supports only for the 1958 marketing year and as to acreage allotments only through the 1959 crops (pp. 4383-7). Rejected, 41-99, Rep. Hagen's amendment to strike out of the national acreage allotment the present special allotment of 100,000 acres for the 4-acres-or-less upland cotton and rice growers (pp. 4387-91). Rejected, 94-132, Rep. Tewes amendment to strike from the measure all commodities except dairy (pp. 4391-4). Rejected, 173-210, Rep. Harvey's motion to recommit the measure with instructions to report back with amendments to freeze dairy price supports only (p. 4399).

ANNUAL LEAVE. The Post Office and Civil Service Committee reported with amendment H. R. 7710, to provide for the lump-sum payment of all accumulated and accrued annual leave of deceased Government employees (H. Rept. 1539). p. 4413

3. FORESTRY. The Public Lands Subcommittee ordered reported to the Interior and Insular Affairs Committee H. R. 6198, to transfer 6,000 acres from the Sequoia National Park to the Sequoia National Forest. p. D239
4. MEATPACKERS. The Rules Committee deferred action on the granting of a rule on H. R. 11234, to grant the FTC certain jurisdiction over meatpackers. p. D239
5. APPROPRIATIONS. House conferees were appointed on H. R. 10881, the second supplemental appropriation bill. Senate conferees have been appointed. p. 4402  
The Appropriations Committee was given until midnight, Fri., Mar. 21, to file a report on the independent offices appropriation bill for 1959. Rep. Vursell reserved all points of order on the bill. p. 4350
6. BUDGETING. Rep. Zelenko criticized the withholding of funds appropriated by Congress, in reserves or for use for other purposes as being contrary to the Constitution and the intent of Congress, and urged enactment of legislation to prevent such withholding. p. 4350
7. AREA DEVELOPMENT. Rep. Lane urged adoption of an area development program to aid communities with large numbers of unemployed workers. p. 4406
8. FARM PROGRAM. Rep. Henderson discussed and inserted a public opinion poll of his district, in which 65% favored ending agricultural controls and price supports. pp. 4409-10
9. FEDERAL AID; ECONOMIC SITUATION. Rep. Alger insisted Federal aid was not needed and pointed to the personal income statistics for Feb. 1958 as proof that there was no recession today. p. 4349
10. LEGISLATIVE PROGRAM. Rep. McCormack announced that the independent offices appropriation bill would be considered Mar. 25-8, and the Labor, Health, Education, and Welfare Departments appropriation bill would be brought up on Mar. 27 (pp. 4389-90).
11. ADJOURNED until Mon., Mar. 24. p. 4413

#### SENATE

12. SURPLUS COMMODITIES; FOREIGN TRADE. Passed with amendments S. 3420, to extend Public Law 480. pp. 4306-15, 4317, 4318-35, 4338-39  
Agreed to the following amendments:  
By Sen. Aiken, as modified by an amendment by Sen. Humphrey, to strike out sections 5 and 6 of the bill. Section 5 would have provided for an expanded barter program of up to \$500 million for disposal of surplus commodities. Sen. Aiken explained that section 6, as modified by Sen. Humphrey's amendment, would have provided as follows: It "would require the payment of the regular rates of duty on nonstrategic materials obtained under barter deals. Also, it would not require other agencies of the Government to buy nonstrategic materials from the Commodity Credit Corporation; it would leave to the Commodity Credit Corporation to hold such goods as might be obtained." The vote on the modified amendment was 44 to 39. pp. 4306-15, 4317  
By Sen. Martin, Iowa, to provide that no strategic or critical material shall be acquired by CCC by barter or exchanges except for the national stockpile, for the supplemental stockpile, for foreign economic or military aid or assistance programs, or for offshore construction programs. p. 4323



## LUMP-SUM PAYMENT FOR ANNUAL LEAVE OF DECEASED EMPLOYEES

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MARCH 20, 1958.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. PORTER, from the Committee on Post Office and Civil Service, submitted the following

### REPORT

[To accompany H. R. 7710]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 7710) to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That clause (6) of section 2 of the Act of August 3, 1950, as amended by section 501 of the Act of September 1, 1954 (68 Stat. 1115; 5 U. S. C. 61g), is amended to read as follows: "(6) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the period of such annual or vacation leave;"

#### PURPOSE OF AMENDMENT

The language of the introduced bill was rewritten for the purpose of correcting certain technical deficiencies. This was accomplished by striking all after the enacting clause and rewriting.

#### STATEMENT

Under present law, employees subject to the Annual and Sick Leave Act of 1951, as amended, are allowed to accumulate annual leave in the amount of 30 days or that which had been accumulated at the beginning of the 1954 leave year, whichever is the greater. Employees of the Panama Canal Company and the Canal Zone Government are

subject to a leave system established by executive order. This provides for a maximum accumulation of leave in the amount of 90 days to United States citizen employees and 52 days in the case of alien employees. This leave system is a combined sick and annual leave credit and is earned on the basis of 40½ days per year. Doctors, dentists, and nurses in the Veterans' Administration are under a leave system established under the authority of the Administrator. This leave system permits the accumulation of annual leave up to 120 days a year. This, however, is charged on a calendar-day basis including Saturdays and Sundays, making it equivalent to approximately 78 days in comparison with the Annual and Sick Leave Act of 1951. Employees of corporations under the supervision of the Farm Credit Administration are authorized to accumulate up to 60 days of annual leave. A search of the statutes fails to reveal any other leave systems which would be affected by the provisions of this bill.

At the time the Congress amended the Annual and Sick Leave Act of 1951 to limit accumulated leave to 30 days for employees in the continental United States and 45 days for overseas employees, they also amended the act of August 3, 1950, which provides for the settlement of claims of deceased Federal employees. This amendment acted to limit the payment to the estate of the deceased Federal employee in all leave systems of the Federal Government to 30 days' accumulated leave plus leave earned in the current year in which the employee died.

This limitation on the provisions of the act of August 3, 1950, created an inequity in that it denied the estate of the deceased Federal employee payment for leave for which he would have been paid had he lived and remained in the service for the expiration of such accumulated and accrued leaves. A study of the legislative history and testimony received in hearings indicates that the failure to provide for this payment to the estate of the deceased employee was a legislative oversight. This bill will remove the inequitable limitation and provide for full payment to the estate of the deceased employee.

The committee has received reports from the departments and agencies of the executive branch, all favoring the enactment of this bill. The testimony received at hearings from representatives of the departments and agencies concerned, the Bureau of the Budget, the Civil Service Commission, and the Comptroller General was also all favorable to its enactment. In reporting this bill favorably to the House, the committee feels that it is no more than right that this inequity be corrected at the earliest possible time.

#### COST

There are some 250,000 Federal employees affected by the provisions of this bill. Its annual cost, however, can only be determined through a review of the records which show the number of employees who die in Federal service in a calendar year. The best estimates available as to annual costs are as follows:

Employees under the Annual and Sick Leave Act of 1951, as amended	\$40, 000
Employees in the Panama Canal Zone	23, 300
Employees in the Veterans' Administration	104, 000
Total under appropriated moneys	167, 300
Employees under the Farm Credit Administration (nonappropriated moneys), approximately	13, 000

<sup>1</sup> Estimated in comparison with employees under other leave systems.

## REPORTS ON BILL H. R. 7710

The following letters in support of this legislation were received from the executive branch of the Government:

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
*Washington, D. C., August 15, 1957.*

HON. TOM MURRAY,  
*Chairman, Committee on Post Office and Civil Service,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your request for a report on H. R. 7710, a bill to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

Under present legislation, although employees serving overseas (except those subject to Foreign Service personnel regulations who are eligible for home leave) are permitted to accumulate 45 days of annual leave, payment to their beneficiaries, should they die, is limited to 30 days. The Bureau believes that this unjustifiably penalizes survivors of employees who serve overseas.

H. R. 7710 would correct this inequity by authorizing cash payment to beneficiaries for all annual leave to the credit of Federal employees who die in the service. The Bureau favors enactment of this legislation.

Sincerely yours,

ROBERT E. MERRIAM,  
*Assistant Director.*

UNITED STATES CIVIL SERVICE COMMISSION,  
*Washington, D. C., August 19, 1957.*

HON. TOM MURRAY,  
*Chairman, Committee on Post Office and Civil Service,  
House of Representatives, Washington, D. C.*

DEAR MR. MURRAY: This is in further reply to your letter of May 27, 1957, requesting a report on H. R. 7710, a bill to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

H. R. 7710 would authorize cash payment to beneficiaries for all annual leave to the credit of Federal employees who die in the service. Beneficiaries of some deceased employees with overseas service now are not paid for all unused leave to the decedent's credit.

The Commission favors enactment of H. R. 7710.

The act of August 3, 1950, as amended (5 U. S. C., Supp. IV, 61g), designates beneficiaries to receive the unpaid compensation due Federal employees. Among other things, it covers compensation for annual leave to the decedent's credit at the time of death. The act authorizes payment for (1) all leave earned but not used in the current year and (2) leave earned but not used in previous years, with one exception. Annual leave earned but not used which exceeds 30 days is excluded from the cash payment due survivors of deceased employees if such leave was accumulated since 1954. H. R. 7710 would affect only certain employees with overseas service because, since 1954, employees stationed in the United States could not accumulate more than 30 days' annual leave.



Overseas employees (except those subject to the Foreign Service personnel regulations who are eligible for home leave benefits) may accumulate 45 days' annual leave. These employees are allowed to accumulate more annual leave than employees in the United States so that they may save enough leave for periodic home visits of reasonable length. However, the 30-day limit on payment for accumulated annual leave under the act of August 3, 1950, applies to the beneficiaries of both United States and overseas decedents. As a result, some beneficiaries of employees with overseas service do not receive payment for all the leave the decedent was permitted to earn and save.

The Commission believes that it is unfair to deny payment to survivors of deceased employees for all annual leave to the decedents' credit. H. R. 7710 would extend the same treatment to survivors of overseas decedents now provided beneficiaries of decedents with only United States service by authorizing cash payment for all earned but unused annual leave to the overseas decedents' credit.

We are not able to estimate accurately the cost of the bill because we do not have information about the annual leave accumulations of the relatively few Federal employees with overseas service who die each year. However, if 50 overseas employees at grade GS-15 died in a given year the cost to the Government of paying for 15 days' annual leave (the maximum additional leave for which beneficiaries would receive payment under H. R. 7710) would be less than \$40,000. In most instances the yearly cost probably would be considerably less than this amount.

The Bureau of the Budget has advised us that there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

HARRIS ELLSWORTH, *Chairman.*

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COMPTROLLER GENERAL OF THE UNITED STATES,  
*Washington, March 13, 1958.*

HON. TOM MURRAY,  
*Chairman, Committee on Post Office and Civil Service,  
House of Representatives.*

DEAR MR. CHAIRMAN: In accordance with an informal request of a member of your staff we are submitting herewith a report on H. R. 7710, the purpose thereof being to amend the act of August 3, 1950, so as to provide for the payment in deceased cases for all accumulated and accrued annual leave to the credit of an officer or employee at the time of his death.

In our testimony on H. R. 7710 before a special subcommittee to consider such bill, we indicated that the bill would benefit regular overseas employees to the extent of permitting payments to their survivors for the full amount of annual leave which they could carry over from year to year; namely, 45 days. Also, we indicated that employees of the Panama Canal Company and the Canal Zone Government are authorized under their leave system to accumulate annual or vacation leave up to 90 days and that H. R. 7710 would authorize payment to survivors of such employees of the full amount of their accumulated leave (up to 90 days) plus current accrued leave.



We further indicated generally that the effect of the proposed legislation would be to authorize payment in deceased cases for all accumulated and current accrued annual leave which an employee is authorized to accumulate or to accrue under other laws and regulations.

We understand that a question has been raised as to the amount of leave which may be accumulated by employees of the Panama Canal Company and the Canal Zone Government and that information is also desired concerning the effect of the proposed legislation on deceased employees of other leave systems—that is, leave systems which are separate and apart from the Annual and Sick Leave Act of 1951, as amended, the latter being applicable to the bulk of Government employees.

Officers and employees of the Panama Canal Company and the Canal Zone Government on the Isthmus of Panama are specifically excepted from the provisions of the Annual and Sick Leave Act of 1951, as amended. Under Executive Order No. 9740 dated June 20, 1946, issued pursuant to title 2, section 81 of the Canal Zone Code (48 U. S. C. 1305), and as amended by orders of the Secretary of the Army issued pursuant to Executive Order No. 9740 dated July 3, 1946, such employees, except teachers and alien employees paid at local rates, are entitled to 324 hours of annual leave (40½ days) for each year which serves both as vacation and sick leave. This leave may be accumulated until it totals not exceeding 720 hours (90 days). The alien employees—non-United States citizens—on local rate rolls, except teachers and deckhands, are authorized by separate regulations to be credited with 1 hour of leave for each 10 hours of service which, on the basis of 2,080 hours of service, would amount to 26 days each year. Deckhands are authorized to be credited with 1 hour of leave for each trip but not in excess of 8 hours for any biweekly pay period (26 days per year). The leave for teachers may be used only for illness or emergencies (similar to teachers in the District of Columbia) and thus is not to be regarded as annual leave. The alien employees may accumulate up to 416 hours of leave (52 days).

If H. R. 7710, in its present form, be enacted into law it would permit survivors of employees of the Panama Canal Company and the Canal Zone Government on the Isthmus of Panama to be paid for up to 60 days' additional leave in the case of United States citizen employees and up to 22 days' additional leave in the case of alien employees employed at local rates. We informally have ascertained from the Panama Canal Company and the Canal Zone Government that, out of a total of approximately 4,000 citizen employees, it is estimated that an average of 12 such employees will die each year. At an average salary rate of \$7,150 per annum (\$27.50 per day), payment for an additional 60 days of leave (maximum) would amount to a total of \$19,800 per annum (\$1,650 per each deceased citizen employee). As to alien employees hired at local rates the Panama Canal authorities estimate that an average of 29 such employees will die each year. At an average salary of 69 cents per hour (\$5.52 per day), payment for an additional 22 days of leave (maximum) would amount to a total of \$3,521.76 per annum (\$121.44 per each deceased alien employee).

We have examined the laws and regulations pertaining to the various groups of employees which are excepted from the Annual and Sick Leave Act of 1951, as amended, and we have found two other groups

of employees which might be affected by H. R. 7710; namely, (1) doctors, dentists, and nurses in the medical service of the Veterans' Administration and (2) employees of corporations under the supervision of the Farm Credit Administration of which corporations any member of the board of directors is appointed or elected by private interests.

Under the provisions of the act of January 3, 1946 (59 Stat. 677; 38 U. S. C. 15), the Administrator of Veterans' Affairs is authorized to prescribe by regulation the hours and conditions of employment and leaves of absence of doctors, dentists, and nurses. We understand that the present leave regulations of that agency permits doctors, dentists, and nurses to accumulate annual leave up to 120 days (granted at the rate of 30 days a year) which is charged on a calendar-day basis including Saturday and Sunday. Thus, if H. R. 7710 be enacted into law in its present form it would permit payment in deceased cases of up to 90 additional days of annual leave which is the equivalent of approximately 78 days when compared to annual leave granted under the Annual and Sick Leave Act of 1951, as amended. The Veterans' Administration informally advises us that out of a total of 19,930 doctors, dentists, and nurses in the medical service it is estimated that approximately 40 will die each year. At an average salary of \$10,455 per year or approximately \$29 per day (365-day basis), the maximum payments for the additional leave (up to 90 calendar days) might amount to \$104,000 per year.

As to employees of corporations under the supervision of the Farm Credit Administration of which corporations any member of the board of directors is elected or appointed by private interest, we are informed by representatives of the Farm Credit Administration that there are approximately 1,200 of such employees who are authorized to accumulate up to 60 days of annual leave. These corporations consist of Federal land banks, regional banks for cooperatives, production credit corporations, or Federal intermediate credit banks. While payments for 30 additional days of leave to survivors of deceased employees of these corporations might be involved, if H. R. 7710 be enacted into law, it should be noted that such payments would not be made from appropriated funds but out of the earnings of such corporations. Also, it may be stated that there is some doubt whether the act of August 3, 1950, is applicable to employees of such corporations. For some purposes they are considered Government employees while for other purposes they are not. We have recommended to the Farm Credit Administration that the status of such employees be resolved by legislation.

Sincerely yours,

JOSEPH CAMPBELL,  
*Comptroller General of the United States.*

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

SECTION 2 OF THE ACT ENTITLED "AN ACT TO FACILITATE THE SETTLEMENT OF THE ACCOUNTS OF CERTAIN DECEASED CIVILIAN OFFICERS AND EMPLOYEES OF THE GOVERNMENT," APPROVED AUGUST 3, 1950 (PUBLIC LAW 636, 81ST CONG.; 5 U. S. C. 61G)

SEC. 2. For the purposes of this Act the term "unpaid compensation" means the pay, salary, or allowances, or other compensation due on account of the services of the decedent for the Federal Government or the government of the District of Columbia. It shall include, but not be limited to, (1) all per diem in lieu of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith for which reimbursement is due; (2) all allowances upon change of official station; (3) all quarters and cost-of-living allowances and overtime or premium pay; (4) amounts due for payment of cash awards for employees' suggestions; (5) amounts due as refund of salary deductions for United States Savings bonds; [(6) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he remained in the service until the expiration of the period of such annual or vacation leave; except that such lump-sum payment shall not include compensation for any period of accumulated leave in excess of thirty days, plus current accrued leave, or in excess of the number of days of accumulated leave to which he is entitled on the date of separation (excluding accumulated leave earned in the 1954 leave year and thereafter), plus current accrued leave, whichever is the greater.](6) *Payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the period of such annual or vacation leave;* (7) the amounts of all checks drawn in payment of such compensation which were not delivered by the Government to the officer or employee during his lifetime or of any unnegotiated checks returned to the Government because of the death of the officer or employee.







85TH CONGRESS  
2D SESSION

# H. R. 7710

[Report No. 1539]

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1957

Mr. BROYHILL introduced the following bill; which was referred to the Committee on Post Office and Civil Service

MARCH 20, 1958

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That clause ~~(6)~~ of the Act of August 3, 1950, as amended,  
4       is further amended to read as follows:

5       ~~“(6) Payment for all accumulated and current accrued~~  
6       ~~annual or vacation leave equal to the compensation the~~  
7       ~~decedent would have received had he lived and remained in~~  
8       ~~the service until the expiration of the period of such annual~~  
9       ~~or vacation leave.”~~

10       *That clause (6) of section 2 of the Act of August 3, 1950,*  
11       *as amended by section 501 of the Act of September 1, 1954*

1 (68 Stat. 1115; 5 U. S. C. 61g), is amended to read as  
 2 follows: “(6) payment for all accumulated and current  
 3 accrued annual or vacation leave equal to the compensation  
 4 the decedent would have received had he lived and remained  
 5 in the service until the expiration of the period of such annual  
 6 or vacation leave;”.

Union Calendar No. 605

85TH CONGRESS  
2d Session

**H. R. 7710**

[Report No. 1539]

## **A BILL**

To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

By Mr. BROUHA.

MAY 22, 1957

Referred to the Committee on Post Office and Civil Service

MARCH 20, 1958

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed







House

April 21, 1958

11. FORESTRY. Sens. Thye and Humphrey inserted a resolution of the St. Louis Co. Development Assoc., Duluth, Minn., urging the appropriation of additional funds to the Forest Service to be used for the replanting of trees in the denuded areas of the Superior National Forest. pp. 6021-22, 6023  
Sen. Neuberger received unanimous consent to have postponed indefinitely S. 3619, to establish a National Wilderness Preservation System. He stated that the bill " was in the nature of a report and was to have been referred to the Committee on Interior and Insular Affairs, but was mistakenly given a bill number by the clerk." p. 6039  
Sen. Douglas spoke in favor of the enactment of S. 1176, to establish a National Wilderness Preservation System on the public lands, and inserted two articles favoring such legislation. pp. 6064-66
12. ECONOMIC SITUATION. Sen. Proxmire inserted Sen. Johnson's speech on the present state of our economy, the Rockefeller Brothers Fund report on the American economy (including a proposal dealing with the "hard-core" transfer problem of 1.2 million farm units), and Kiplinger's prediction of an economic boom ahead. pp. 6048-55  
Sen. Douglas inserted excerpts from the anti-recession program of the Committee for Economic Development. pp. 6061-3
13. RECLAMATION. Sen. Langer inserted a resolution by the Garrison Diversion Conservancy District urging an increase in appropriations for Missouri River Basin studies in fiscal year 1959. p. 6070  
Sen. Langer inserted a Minot, N. D., City Council resolution urging the provision of funds to start construction of the Garrison diversion unit in fiscal year 1960. pp. 6070-1
14. FLOOD CONTROL. Sen. Kuchel stated there was a need for new flood control authorizations, and pointed to the results to Southern Calif. of the President's veto of S. 497. pp. 6078-80
15. YOUNG FARMERS. Sen. Goldwater inserted outline biographies of four outstanding young farmers picked by the Junior Chamber of Commerce from nominees from every State, and the results of a poll of 38 of them, showing a 30 to 8 vote opposing higher price supports and a 37 to 1 vote in favor of less Government control of agriculture. pp. 6086-8
16. HOUSING. Sen. Clark criticized the Administration and asserted that \$4, "\$1,356,400,000 of funds authorized by the Congress for housing purposes is at present either impounded or unallocated." pp. 6103-3
17. FARM COOPERATIVES. Sen. Watkins inserted a resolution by the National Council on Farmer Cooperatives urging Congress to assist farmer cooperatives to help farmers achieve a "free and prosperous agriculture." pp. 6109-10
18. BEEF PRICES. Sen. Thye inserted a table from the American Cattle Producer magazine showing the farm-retail spread in choice beef from 1947 through 1957. p. 6042
19. INFORMATION. Sen. Proxmire called for less secrecy in making Government information available to the public, and inserted an article on the subject. pp. 6047-48

HOUSE

20. DURUM WHEAT. Passed without amendment S. 3120, to provide increases in durum wheat allotments for 1958 and 1959 in the Tulalake area, Modoc and Siskiyou Counties, Calif. This bill will now be sent to the President. A similar House bill, H. R. 11092, was laid on the table. p. 6119
21. TOBACCO. Passed without amendment H. R. 11058, to reduce the acreage allotments of tobacco farmers who harvest more than one crop of tobacco in a year from the same acreage. p. 6114
22. ANNUAL LEAVE. Passed as reported H. R. 7710, to provide for the lump-sum payment of all accumulated and accrued annual leave of deceased Government employees. p. 6115
23. RECLAMATION. Passed without amendment S. 2037, to authorize the performance of necessary protection work between the Yuma project and Boulder Dam. p. 6113
24. COTTON. The Cotton Subcommittee ordered reported to the Agriculture Committee H. R. 9936, to increase the rate of penalty for overplanting cotton acreage allotments. p. D327
25. CROP INSURANCE. Rep. Hill commended the operations of the crop insurance program and urged that FCIC programs be extended to more farmers. p. 6123
26. CORN. At the request of Rep. Ford, passed over H. R. 10316, to exclude Ottawa County, Mich., from the commercial corn-producing area during 1958, and struck the bill from the Consent Calendar. p. 6113
27. WATER RESOURCES. Rep. Staggers spoke against any Potomac River watershed plans which would flood lands in his Congressional District in West Va. p. 6113
28. FOREST SERVICE. Passed as reported H. R. 7953, to facilitate and simplify the administration of the national forests. The bill provides authority to:
  - "Raise the limitation on reimbursement (from \$50 to \$2,500, except the limitation is not raised for employees of the Forest Service) to owners of rented equipment under verbal agreement for damages occurring while in use by the Forest Service.
  - "Contract with private parties to train, work, and care for Government-owned pack stock held in reserve for fire emergency purposes.
  - "Reimburse employees of the Forest Service for loss of, or damage to, clothing and other personal effects from fires, floods, or other casualties at places of temporary storage while engaged in connection with such casualties.
  - "Use Forest Service appropriations to cover costs of transporting employees' automobiles between points in Alaska in connection with transfer of official stations.
  - "Notify employees at isolated locations of serious illness or death of close relatives and pay cost of transporting such employees to point of nearest public transportation.
  - "Transfer to States fire-lookout towers and other improvements for fire control when no longer needed by the Forest Service but of value to States in their fire-protective systems. Transferred property would revert to the United States if it is not put to the use for which transferred within 2 years after the transfer, or if within 15 years after the transfer it ceases for a period of 2 years to be used for such purpose.



(C) Subsections (c) and (d) are amended by striking out the words "of the military department."

(D) Subsection (f) is amended as follows: (1) by striking out the words "a military department" and inserting in place thereof the words "the department concerned"; and

(ii) by striking out the word "military."

(E) Subsection (g) is amended to read as follows:

"(g) Payment of claims against the Coast Guard arising while it is operating as a service in the Department of the Treasury shall be made out of the appropriation for the operating expenses of the Coast Guard."

(2) The analysis of chapter 163 is amended by striking out the following item:

"2734. Property loss; personal injury or death: incident to noncombat activities of the Department of Army, Navy, or Air Force; foreign countries."

and inserting the following item in place thereof:

"2734. Property loss; personal injury or death: incident to noncombat activities of the Armed Forces, foreign countries."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LUMP-SUM PAYMENT FOR ANNUAL LEAVE OF DECEASED EMPLOYEES

The Clerk called the bill (H. R. 7710) to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That clause (6) of the Act of August 3, 1950, as amended, is further amended to read as follows:

"(6) Payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the period of such annual or vacation leave."

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert: "That clause (6) of section 2 of the Act of August 3, 1950, as amended by section 501 of the Act of September 1, 1954 (68 Stat. 1115; 5 U. S. C. 61g), is amended to read as follows: '(6) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the period of such annual or vacation leave.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ROLL OF PERSONS OF INDIAN BLOOD

The Clerk called the bill (H. R. 8524) to authorize the preparation of a roll of persons of Indian blood whose ancestors were members of the Otoe and Missouria Tribe of Indians and to provide for per capita distribution of funds arising from a judgment in favor of such

indians.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to prepare a roll of the Indians of the blood of the Otoe and Missouria Tribe whose names appear on the allotment rolls of the tribe approved December 7, 1899, June 1, 1906, and January 17, 1907, and who are living on the date of this act, and the descendants of such allottees who are living on the date of this act regardless of whether such allottees are living or deceased. Applications for enrollment shall be filed within 6 months after the date of this act. The determination of the Secretary regarding the eligibility of an applicant for enrollment shall be final and conclusive.

SEC. 2. The Secretary is authorized and directed to withdraw the funds on deposit in the Treasury of the United States to the credit of the Otoe and Missouria Tribe appropriated by the act of May 19, 1956 (70 Stat. 161, 176), together with accrued interest, in satisfaction of the judgment obtained in the Indian Claims Commission against the United States in docket No. 11, and to distribute such funds per capita to the persons whose names appear on the roll prepared pursuant to section 1 of this act.

SEC. 3. (a) The Secretary shall make per capita payments directly to a living enrollee, except as provided in subsection (b) of this section. The Secretary shall distribute the share of a person determined to be eligible for enrollment but who dies subsequent to the date of this act and on whose behalf the application is filed and approved, and the share of a deceased enrollee, directly to his next of kin or legatee as determined by the laws of the place of domicile of the decedent, upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) Per capita payments due persons under 21 years of age or persons under legal disability shall be made in accordance with the laws of the place of domicile of such person.

(c) No part of any per capita payment shall be subject to any debt or debts, other than to the United States created prior to the date of this act by a person of Indian blood, and such per capita payments shall not be taxable.

SEC. 4. All costs incurred by the Secretary in the preparation of such roll and in the payment of such per capita shares shall be paid from the judgment fund or the interest accruing thereon.

SEC. 5. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LAKE SOLANO

The Clerk called the bill (H. R. 9381) to designate the lake above the diversion dam of the Solano project in California as Lake Solano.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the lake above the diversion dam of the Solano project in California, which lake is below the main dam (Monticello Dam) of the project, shall hereafter be known as Lake Solano, and any law, regulations, document, or record of the United States in which such lake is designated or referred to shall be held to refer to

such lake under and by the name of Lake Solano.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MONTICELLO DAM

The Clerk called the bill (H. R. 9382) to designate the main dam of the Solano project in California as Monticello Dam.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the main dam of the Solano project in California, which is a reclamation project, shall hereafter be known as Monticello Dam, and any law, regulation, document, or record of the United States in which such dam is designated or referred to shall be held to refer to such dam under and by the name of Monticello Dam.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDING TITLE 10, UNITED STATES CODE

The Clerk called the bill (H. R. 9022) to amend title 10, United States Code, to authorize the Secretaries of the military departments to settle certain claims in the amount of \$5,000, or less, and to partially pay certain claims which are certified to Congress.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That title 10, United States Code, is amended as follows:

(1) Section 2733 is amended—

(A) by striking out in subsection (a) the figure "\$1,000" and inserting the figure "\$5,000" in place thereof;

(B) by inserting the word "physical" at the beginning of subsection (a) (1) and (a) (2) and before the word "injury" in subsection (a) (3); and

(C) by amending subsections (d) and (e) to read as follows:

"(d) If the Secretary of the military department concerned considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, he may pay the claimant \$5,000 and report the excess to Congress for its consideration.

"(e) Except as provided in subsection (d), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction."

(2) Section 2734, as amended by the act of July 28, 1956, chapter 769 (70 Stat. 703), is amended—

(A) by inserting the word "physical" at the beginning of subsections (a) (1) and (a) (2) and before the word "injury" in subsection (a) (3); and

(B) by amending subsections (d) and (e) to read as follows:

"(d) The Secretary of the military department concerned may pay the claimant \$15,000 and certify to Congress, in the amount that he considers just and reasonable, the excess of any claim for more than \$15,000 that would otherwise be covered by this section as a legal claim for payment from appropriations made by Congress therefor, together with a brief statement of the claim, the amount claimed, the amount allowed, and the amount paid.

"(e) Except as provided in subsection (d), no claim may be paid under this section



unless the amount tendered is accepted by the claimant in full satisfaction."

With the following committee amendment:

Strike out all after the enacting clause and insert: "That title 10, United States Code, is amended as follows:

"(1) Section 2733 is amended—

"(A) by striking out in subsection (a) the words 'any officer designated by him may settle, and pay in an amount not more than \$1,000' and inserting the words 'the Judge Advocate General of an armed force under his jurisdiction, if designated by him, may settle, and pay in an amount not more than \$5,000 in place thereof;

"(B) by amending subsections (d) and (e) to read as follows:

"(d) If the Secretary of the military department concerned considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, he may pay the claimant \$5,000 and report the excess to Congress for its consideration.

"(e) Except as provided in subsection (d), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction."; and

"(C) by adding the following new subsection at the end thereof as follows:

"(g) In any case where the amount to be paid is not more than \$1,000, the authority contained in subsection (a) may be delegated to any officer of an armed force under the jurisdiction of the military department concerned."

"(2) Section 2734, as amended by the act of July 28, 1956, chapter 769 (70 Stat. 703), is amended by amending subsections (d) and (e) to read as follows:

"(d) The Secretary of the military department concerned may pay the claimant \$15,000 and certify to Congress, in the amount that he considers just and reasonable, the excess of any claim for more than \$15,000 that would otherwise be covered by this section as a legal claim for payment from appropriations made by Congress therefor, together with a brief statement of the claim, the amount claimed, the amount allowed, and the amount paid.

"(e) Except as provided in subsection (d), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### REQUIRING PILOTS ON CERTAIN VESSELS NAVIGATING UNITED STATES WATERS OF THE GREAT LAKES

The Clerk called the bill (H. R. 7515) to require pilots on certain vessels navigating United States waters of the Great Lakes, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That no merchant vessel of 300 gross tons or over shall navigate in United States waters of the Great Lakes, their connecting and tributary waters, and the St. Lawrence River as far east as St. Regis, unless there is in the service of such vessel a pilot or other officer qualified for navigation on such United States waters and licensed either by the head of the Department in which the Coast Guard is operating under regulations issued by him or by the appropriate agency of Canada. This pilot

or other qualified officer shall, subject to the customary authority of the master, direct the navigation of the vessel (a) on such of the United States waters of the Great Lakes, their connecting and tributary waters, and the St. Lawrence River as far east as St. Regis, as may in the interest of marine safety be designated in regulations issued by the head of the department in which the Coast Guard is operating and (b) on such other United States waters in the discretion of the master.

SEC. 2. The authority extended in this act to pilots or other qualified officers licensed by Canada to serve on vessels in United States waters shall be in effect only so long as Canada permits pilots or other qualified officers licensed by the head of the department in which the Coast Guard is operating similarly to serve on vessels when navigating Canadian waters of the Great Lakes, their connecting and tributary waters, and the St. Lawrence River as far east as St. Regis.

SEC. 3. Any owner, master, or person in charge of any vessel subject to section 1 of this act who navigates the vessel in violation of the provisions of this act, or the rules and regulations established hereunder, shall be liable to the United States in a penalty of \$500 for each such violation, for which sum the vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the violation. Each day the vessel be so navigated shall constitute a separate violation.

SEC. 4. Nothing in this act shall be construed as affecting any statutory requirement for licensed pilots on vessels of less than 300 gross tons.

SEC. 5. This act shall become effective on the first day of the third month following the issuance of regulations pursuant hereto by the head of the department in which the Coast Guard is operating.

With the following committee amendments:

Page 2, line 8, after the word "waters" strike out "in the discretion of the master" and insert "of the Great Lakes, their connecting and tributary waters, and the St. Lawrence River as far east as St. Regis, in the discretion of the master."

Page 3, line 8, after the word "tons" insert "Nothing in this act shall apply to any vessel of the United States which, in her navigation on the Great Lakes, their connecting and tributary waters, and the St. Lawrence River as far east as St. Regis, is required by any other act to have in her service and on board pilots or other navigating officers licensed by the United States for such waters."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RELEASE OF CERTAIN RESERVATIONS RELATING TO LAND IN WISCONSIN

The Clerk called the bill (H. R. 7645) to provide for the release of restrictions and reservations contained in instrument conveying certain land by the United States to the State of Wisconsin.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Administrator of General Services is authorized and directed, upon payment to the United States

by the State of Wisconsin of the fair market value thereof, to convey, quitclaim, or release to the State of Wisconsin any right, reservation, restriction, or interest reserved to the United States in the real property described in section 2 (a) of the act approved July 18, 1956 (70 Stat. 576), providing for conveyance to the State of Wisconsin without monetary consideration of certain real property described therein.

With the following committee amendment:

Page 1, line 5, after the word "value" insert "of the fee simple title."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXCHANGE OF CERTAIN INTERESTS IN LAND IN VIRGINIA BETWEEN THE UNITED STATES AND THE NORFOLK SOUTHERN RAILWAY

The Clerk called the bill (H. R. 8071) to authorize the Secretary of the Army to convey an easement over certain property of the United States located in Princess Anne County, Va., known as the Fort Story Military Reservation, to the Norfolk Southern Railway Co. in exchange for other lands and easement of said company.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Army is authorized under such terms and conditions as he may determine to be in the public interest to convey to the Norfolk Southern Railway Co., a Virginia corporation, perpetual, assignable easements over those portions of the Fort Story Military Reservation, Princess Anne County, Va., aggregating 4,285 acres of land, more or less, in exchange for the conveyance by said company of fee title to 11.82 acres of land, more or less, and the relinquishment of an existing perpetual easement in, over, and upon 9.28 acres of land, more or less, at the locations delineated on the map entitled "Fort Story, Va.—General Plan," No. 44-028-7, dated October 19, 1953, on file in the Office of the Chief of Engineers, Washington, D. C.

SEC. 2. The Norfolk Southern Railway Co. shall pay a sum of money representing, in the opinion of the Secretary of the Army, the amount by which the fair market value of the property conveyed to it exceeds the fair market value of the rights conveyed by it to the United States.

SEC. 3. The cost of any surveys necessary as an incident to the exchange authorized in section 1 of this act shall be borne by the Norfolk Southern Railway Co.

SEC. 4. Any money received by the Secretary of the Army in connection with the exchange authorized in section 1 shall be covered into the Treasury of the United States as miscellaneous receipts.

With the following committee amendment:

Page 1, line 8, strike out "4,285" and insert "13.4."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.







# H. R. 7710

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IN THE SENATE OF THE UNITED STATES

APRIL 22, 1958

Read twice and referred to the Committee on Post Office and Civil Service

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## AN ACT

To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That clause (6) of section 2 of the Act of August 3, 1950,  
4       as amended by section 501 of the Act of September 1, 1954  
5       (68 Stat. 1115; 5 U. S. C. 61g), is amended to read as  
6       follows: “(6) payment for all accumulated and current  
7       accrued annual or vacation leave equal to the compensation  
8       the decedent would have received had he lived and remained  
9       in the service until the expiration of the period of such annual  
10      or vacation leave;”.

Passed the House of Representatives April 21, 1958.

Attest:

RALPH R. ROBERTS,

*Clerk.*

85TH CONGRESS  
2d Session

**H. R. 7710**

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## **AN ACT**

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To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

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APRIL 22, 1958

Read twice and referred to the Committee on Post  
Office and Civil Service







With amendment:

- S. 2142, to amend the Agricultural Marketing Agreement Act so as to extend restrictions on certain citrus fruits;
- S. Res. 344, to authorize the committee to study marketing practices relating to loose and tied tobacco; and
- H. R. 12126, to extend to wild animals the same prohibition against entry into the U. S. as domestic animals from any country where rinderpest or foot-and-mouth disease exists;

An original bill to extend the Mexican farm labor program for one year.  
p. D758

- 17. WATERSHED PROJECTS. The Agriculture and Forestry Committee approved the following watershed projects: Adobe Creek, Buena Vista Creek, and Central Sonoma, Calif.; Upper Nanticoke River, Del.; Donaldson Creek, Ky.; Mud Creek, Nebr.; Peavine Mountain, Nev.; Indian Creek, Tenn. and Miss.; and Cook Creek, Wis.  
pp. D758-9
- 18. FORESTRY. Conferees were appointed on S. 3051, to provide for either private or Federal acquisition of that part of the Klamath Indian forest lands which must be sold. House conferees have not been appointed. pp. 14257-8
- 19. RESEARCH. The Government Operations Committee reported with amendments S. 4039, to authorize the head of any Government agency now making contracts for research to grant funds for the support of such research (S. Rept. 2044).  
p. 14186
- 20. PERSONNEL. The Post Office and Civil Service Committee reported with amendment H. R. 7710, to provide for the lump-sum payment of all accumulated and accrued annual leave of deceased employees (S. Rept. 2055). p. 14186
- 21. FISHERIES; EXTENSION. The Interstate and Foreign Commerce Committee reported with amendments S. 2973, to establish a fishery extension service in the Fish and Wildlife Service to carry out cooperative fishery extension work with the States (S. Rept. 2063). p. 14186
- 22. MINERALS. The Interior and Insular Affairs Committee reported with amendment S. 4146, to provide for incentive payments to minerals producers (S. Rept. 2057). p. 14186
- 23. FARM INCOME. Sen. Hruska discussed the July release of USDA "Farm Income Situation," showing the increase in farm income, and inserted 14 statements based on USDA statistics showing the upward trend in farm income and living standards. pp. 14199-200
- 24. ELECTRIFICATION. Sen. Neuberger criticized the alleged bias of Douglas McKay as Chairman of the International Joint Commission studying the position of the Federal government as to joint actions with Canada in developing the Columbia River Basin, asserted that his opposition to Federal power developments made him unsuitable for formulating the Federal position in this area, and inserted an editorial on the matter. pp. 14204-5
- 25. HUMANE SLAUGHTER. Sen. Allott stated that the humane slaughter bill, because of the discretion granted the Secretary for formulating regulations, was "one of the best, prime example of what legislation should not be."  
pp. 14190-1



July 30, 1958

11. APPROPRIATIONS. Received the conference report on H. R. 12948, the D. C. appropriation bill for 1959 (H. Rept. 2325). pp. 14321-22
12. SMALL BUSINESS. Conferees were appointed on S. 3651, to make equity capital and long-term credit more readily available to small business. Senate conferees have not been appointed. p. 14326
13. AREA REDEVELOPMENT. Rep. Siler urged enactment of S. 3683, to provide Federal aid to economically depressed areas. pp. 14326-27

#### SENATE

14. APPROPRIATIONS. Agreed to the conference report on H. R. 11574, the independent offices appropriation bill for 1959, agreed to certain House amendments, and voted, 44 to 39, to recede from an item in disagreement to include \$589 million for the Civil Service Retirement and Disability Fund. Sen. Sparkman spoke against the elimination of \$100,000 for HHFA farm housing research, and Sens. Saltonstall and Magnuson stated they would consider the matter next Jan. in the supplemental or regular independent offices appropriation bill (pp. 14246-7). This bill will now be sent to the President. pp. 14243-56  
Passed, 71 to 0, with amendment H. R. 12738, the Defense Department Appropriation bill for 1959, and conferees were appointed (pp. 14258-9, 14261-87). Agreed to an amendment, applying generally to Government departments and agencies, to require reports to Congress in writing, following the close of each calendar quarter, of the amount of each budgetary reserve in effect at the end of such quarter and the purpose for which each such reserve was established. This was a modification, proposed by Sen. Hayden, of a committee amendment that had been reported on this subject (pp. 14264-5).  
Passed without amendment H. J. Res. 672, to make temporary appropriations until Aug. 31, 1958, to various agencies until their regular 1959 appropriation bills are enacted. This measure will now be sent to the President. p. 14191
15. TRANSPORTATION. Both Houses agreed to the conference report on S. 3778, to strengthen the national transportation system. This bill will now be sent to the President. pp. 14205-8, 14326
16. AGRICULTURE AND FORESTRY COMMITTEE ordered reported the following bills:  
Without amendment:
  - H. R. 6542, to authorize the conveyance of certain forest lands to Dayton, Wyo.;
  - H. R. 11800, to authorize the Secretary to sell a tract of land and buildings thereon under the jurisdiction of ARS to Clifton, N. J.;
  - S. 3333, to improve the insured loan program of FHA;
  - H. R. 12224, to prohibit the creation of an acreage history on peanuts after 1957 by those growing peanuts without an acreage allotment;
  - H. R. 12840, to provide a single acreage allotment for Va. sun-cured and Va. fire-cured tobaccos if farmers vote approval in a referendum;
  - S. 4151, to establish uniform provisions for the transfer of acreage allotments when the landowner is displaced by an agency having the right of eminent domain;
  - S. 3858, to authorize CCC to purchase flour and cornmeal for donation instead of having such products processed from its own stocks; and
  - H. Con. Res. 295, endorsing plans of a non-government group to establish a Hall of Fame for Agriculture.



## LUMP-SUM PAYMENTS; ODD-SIZE RATES; AND EMPLOYEES TRANSFERRED TO THE POSTAL SERVICE

JULY 30, 1958.—Ordered to be printed

Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, submitted the following

### REPORT

[To accompany H. R. 7710]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 7710) to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

#### PURPOSE

The purpose of this bill, as passed in the House, is to correct an inadvertent inequity that exists in connection with lump-sum payments for accumulated and current accrued annual leave of deceased employees stationed overseas.

#### COMMITTEE AMENDMENTS

The committee amendments add sections 2 and 3 to the House-approved bill. Section 2 amends section 215 of the Postal Rate Increase Act, 1958. Section 3 amends section 501 of the Postal Field Service Compensation Act of 1955, as amended.

#### EXPLANATION OF SECTION 1

Under present law, although certain employees serving overseas are permitted to accumulate 45 days of annual leave, payment to their beneficiaries, in the event of death, is limited to 30 days. This restriction is inequitable in that it denies the estate of a deceased employee payment for annual leave accrued in accordance with law for which he would have been paid had he lived.

Section 1 amends the act of August 3, 1950, as amended by section 501 of the act of September 1, 1954, so as to authorize the payment for the full amount of any such annual leave standing to the credit of an employee at the time of his death.

Enactment of this section has been recommended by the Bureau of the Budget, the Civil Service Commission, and the General Accounting Office.

#### EXPLANATION OF SECTION 2

Section 2 is designed to alleviate a situation neither anticipated nor intended but which will result under the Postal Rate Increase Act, 1958, unless corrective legislation is enacted.

The problem was brought to the attention of the committee by the seed and nursery companies in all areas of the Nation and by the American Association of Nurserymen.

Since 1949, pieces of third-class mail in excess of 9 by 12 inches have been considered by the Post Office Department to come within the "odd size" category and, thus, subject to the penalty rate applicable to such mailings.

Generally, seed and nursery catalogs are approximately 10 by 13 inches in size and, thus, would warrant application of the "odd size" penalty rate. However, they have been mailed at the pound rate instead of the odd-size penalty rate because this produced more revenue for the Post Office Department. The Postal Rate Increase Act, 1958, did not change the pound rate but it doubled the odd-size penalty rate.

The Post Office Department now has no choice but to apply the odd-size penalty rate to mailings of seed and nursery catalogs as this will produce more revenue than would the normal pound rate. This paradox was not realized by the Congress or the Post Office Department at the time the bill was under consideration, but, most important of all, it caught the seed and nursery industry completely unawares. The unfortunate result is that they had their 1959 catalogs on hand or on order before the real situation became known. At this late hour there is nothing they can do to reduce the size of their catalogs to come within the dimensional limits that would permit them to be mailed at the regular pound rate.

In these circumstances, the committee is strongly of the opinion that the effective date of the increase on the odd-size penalty rate should be postponed to May 1, 1959. This should be done as a matter of equity in order to prevent imposing an undue financial hardship on a small number of companies. These companies can, when ordering their catalogs for the following year, reduce the size so that the odd-size penalty rate will not apply and, at the same time, it will give the committee sufficient time to study properly the question of odd-size mailings and penalty rates.

#### EXPLANATION OF SECTION 3

Section 3 extends to employees transferring to the Post Office Department from the legislative or judicial branches, the same rights and benefits that were extended by Public Law 432, approved May 29, 1958, to employees transferring from these branches to the classified service. Due to an inadvertence, reference to the postal service

was omitted from the provisions of H. R. 7930, enacted as Public Law 432, and thus, except for the amendment made by section 3, employees entering the postal service by transfer from the legislative or judicial branches would not be treated in the same manner as if they transferred to the classified service.

In order that the situation may be fully understood, the following explanation is quoted from Senate Report No. 1399 (to accompany H. R. 7930):

Section 801 of the Classification Act provides that "All new appointments shall be made at the minimum rate of the appropriate grade."

Section 802 provides, however, that in the case of a transfer from one position to another, the basic compensation of the employee shall be governed by regulations of the Civil Service Commission.

The Comptroller General has held that the movement of an employee from the legislative branch to the executive branch is not a transfer and, therefore, his attachment to the executive branch results from a new appointment.

The regulations of the Commission provide that, in the case of a transfer of an employee from one position to another, his pay may be fixed at any step rate of the appropriate grade for the position to which he is being transferred that does not exceed his rate of pay in the position from which he is being transferred. However, the decision of the Comptroller forecloses extension of the Commission regulation to an employee who moves from the legislative branch to a position in the executive branch. Accordingly, when that occurs, the employee is compelled to start at the minimum rate of the appropriate grade of the position even though he was receiving a higher salary in the legislative branch and notwithstanding the fact that the department or agency would like to fix his pay at a higher step rate than the minimum rate of the appropriate grade for the position.

#### CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 2 OF THE ACT ENTITLED "AN ACT TO FACILITATE THE SETTLEMENT OF THE ACCOUNTS OF CERTAIN DECEASED CIVILIAN OFFICERS AND EMPLOYEES OF THE GOVERNMENT," APPROVED AUGUST 3, 1950 (PUBLIC LAW 636, 81ST CONG.; 5 U. S. C. 61G)

SEC. 2. For the purposes of this Act the term "unpaid compensation" means the pay, salary, or allowances, or other compensation due on account of the services of the decedent for the Federal Government or the government of the District of Columbia. It shall include, but not be limited to, (1) all per diem in lieu of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental



and miscellaneous expenses in connection therewith for which reimbursement is due; (2) all allowances upon change of official station; (3) all quarters and cost-of-living allowances and overtime or premium pay; (4) amounts due for payment of cash awards for employees' suggestions; (5) amounts due as refund of salary deductions for United States Savings bonds; [(6) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he remained in the service until the expiration of the period of such annual or vacation leave; except that such lump-sum payment shall not include compensation for any period of accumulated leave in excess of thirty days, plus current accrued leave, or in excess of the number of days of accumulated leave to which he is entitled on the date of separation (excluding accumulated leave earned in the 1954 leave year and thereafter), plus current accrued leave, whichever is the greater.](6) *Payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the period of such annual or vacation leave;* (7) the amounts of all checks drawn in payment of such compensation which were not delivered by the Government to the officer or employe during his lifetime or of any unnegotiated checks returned to the Government because of the death of the officer or employee.

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#### SECTION 215 OF THE POSTAL RATE INCREASE ACT, 1958

SEC. 215. (a) The provisions of this section and sections 201, 204 (d), 204 (e), 209, 210, 211, 212, 213, and 214 (a) (1), (2), and (4) of this title shall become effective on the date of enactment of this Act.

(b) The provisions of sections 202, 203, 204 (c), 204 (f), 205 (1), [205 (5),] and 206 of this title shall become effective on the first day of the first month which begins at least 40 days after the date of enactment of this Act.

(c) The provisions of section 204 (a) and (b) of this title shall become effective as provided in such section 204 (a) and (b).

(d) The provisions of sections 205 (2), 205 (3), 205 (4), 205 (6), and 214 (a) (3) of this title shall become effective on January 1, 1959.

(e) The provisions of sections 207 and 208 of this title shall become effective on July 1, 1958.

(f) The provisions of section 214 (b) of this title shall become effective as of the effective date of the Civil Service Retirement Act Amendments of 1956.

(g) *The provisions of section 205 (5) of this title shall become effective on May 1, 1959.*

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#### SECTION 501 OF THE POSTAL FIELD SERVICE COMPENSATION ACT OF 1955

SEC. 501. (a) The Postmaster General may appoint any person who has been employed in a civilian capacity in any branch of the Government to any position in a regional or district office or to any professional or scientific position and may place such person in any step in the salary level of the Postal Field Service Schedule which is less than



one full step above the highest basic salary which such person received from the United States.

*(b) Any employee of the legislative branch whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, may upon appointment to a position to which this Act applies have his initial rate of compensation fixed at the minimum rate of the appropriate level of the basic salary schedule applicable to such position, or at any step of that level that does not exceed the highest previous rate of compensation received by him during such service in the legislative branch.*

○









Calendar No. 2102

85TH CONGRESS  
2D SESSION

# H. R. 7710

[Report No. 2055]

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IN THE SENATE OF THE UNITED STATES

APRIL 22, 1958

Read twice and referred to the Committee on Post Office and Civil Service

JULY 30, 1958

Reported by Mr. JOHNSTON of South Carolina, with an amendment

[Insert the part printed in italic]

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## AN ACT

To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That clause (6) of section 2 of the Act of August 3, 1950,  
4       as amended by section 501 of the Act of September 1, 1954  
5       (68 Stat. 1115; 5 U. S. C. 61g), is amended to read as  
6       follows: “(6) payment for all accumulated and current  
7       accrued annual or vacation leave equal to the compensation  
8       the decedent would have received had he lived and remained  
9       in the service until the expiration of the period of such annual  
10      or vacation leave;”.

11       *SEC. 2. Section 215 of the Postal Rate Increase Act,*

1 1958, is amended by striking out "205 (5)," in subsection  
2 (b) and by adding at the end of such section a new sub-  
3 section as follows:

4 " (g) The provisions of section 205 (5) of this title shall  
5 become effective on May 1, 1959."

6 SEC. 3. Section 501 of the Postal Field Service Com-  
7 pensation Act of 1955, as amended, is amended by inserting  
8 "(a)" after the section number and by adding at the end  
9 thereof a new subsection as follows:

10 "(b) Any employee of the legislative branch whose com-  
11 pensation is disbursed by the Secretary of the Senate or the  
12 Clerk of the House of Representatives, and who has com-  
13 pleted two or more years of service as such an employee, may  
14 upon appointment to a position to which this Act applies  
15 have his initial rate of compensation fixed at the minimum  
16 rate of the appropriate level of the basic salary schedule  
17 applicable to such position, or at any step of that level that  
18 does not exceed the highest previous rate of compensation  
19 received by him during such service in the legislative branch."

Passed the House of Representatives April 21, 1958.

Attest:

RALPH R. ROBERTS,

Clerk.



85TH CONGRESS  
2d Session

# H. R. 7710

[Report No. 2055]

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## AN ACT

---

To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

---

APRIL 22, 1958

Read twice and referred to the Committee on Post  
Office and Civil Service

JULY 30, 1958

Reported with an amendment







*Senate - Aug. 4, 1958*

22. RESEARCH. Passed as reported S. 4039, to authorize the head of any Government agency now making contracts for research to grant funds for the support of such research. pp. 14623-4
23. PERSONNEL. Passed as reported H. R. 7710, to provide for the lump sum payment of all accumulated and accrued annual leave of deceased employees. p. 14626
24. MINERALS. At the request of Sen. Talmadge, passed over S. 4146, to provide for incentive payments for the production of certain minerals. p. 14626  
The Interior and Insular Affairs Committee reported without amendment S. Res. 225, to extend until Jan. 31, 1959, the time for filing a report on the study of strategic raw materials in the Western hemisphere (S. Rept. 2175). p. 14546
25. FISHERIES; EXTENSION SERVICE. Passed as reported S. 2973, to establish a fishery extension service in the Fish and Wildlife Service to carry out co-operative fishery extension work with the States. pp. 14627-8
26. FORESTRY. Passed without amendment the following bills:  
S. 3682, to authorize the Secretary to convey certain national forest lands in Ariz. to the Univ. of Ariz. p. 14629  
H. R. 6038, to authorize transfers of land between the Sequoia National Forest and the Kings Canyon National Park, Calif. This bill will now be sent to the President. p. 14630  
H. R. 6198, to authorize the transfer of not more than 10 acres of land from the Sequoia National Park to the Sequoia National Game Refuge in Sequoia National Forest, Calif. This bill will now be sent to the President. p. 14630  
The Agriculture and Forestry Committee reported with amendment S. 4053, to extend the boundaries of Siskiyou National Forest (S. Rept. 2171). p. 14546
27. DEFENSE PRODUCTION. Began debate on S. 4162, to provide for the cancellation of certain uncollectible loans and operating losses under Title III of the Defense Production Act, to increase (in effect) the borrowing authority for the defense stockpile \$300 million. pp. 14631-2, 14644-50
28. MONOPOLIES. At the request of Sen. Talmadge, passed over S. 11, to amend the Robinson-Patman Act with reference to equality of opportunity. p. 14618
29. WATER RESOURCES. At the request of Sen. Talmadge, passed over S. 3185, to promote fish and wildlife conservation by requiring prior approval by the Secretary of the Interior of licenses issued under the Federal Power Act. p. 14623
0. ADMINISTRATIVE ORDERS. The Judiciary Committee reported without amendment H. R. 6788, to authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the laws relating thereto (S. Rept. 2129). p. 14545
1. TOBACCO. The Agriculture and Forestry Committee reported with amendment S. Res. 334, to direct the committee to study marketing practices relative to loose and tied tobacco (S. Rept. 2163); which was then referred to the Rules and Administration Committee. p. 14546  
The Agriculture and Forestry Committee reported without amendment H. R. 12840, to provide a single acreage allotment for Va. sun-cured and Va. fire-cured tobaccos if farmers vote approval in a referendum (S. Rept. 2162) p. 14546



Aug 4, 1958

- 3 -

The Interior and Insular Affairs Committee ordered reported without amendment S. 4009, to increase the amount authorized to be appropriated for the Washoe reclamation project, Nev. and Calif., and with amendment S. 3448, to permit the Secretary of the Interior to authorize increases in the 160-acre limitation on the Seedsdakee Reclamation project. p. D789

The Interior and Insular Affairs Committee reported without amendment H. R. 13523, to authorize the construction and maintenance by Interior of the Fryingpan-Arkansas reclamation project (H. Rept. 2427). pp. 14768-69

12. WHEAT; CORN MEAL. Passed without amendment H. R. 13268, to authorize CCC to purchase flour and corn meal for donation instead of having such products processed from its own stocks. pp. 14691-92
13. DESERT-LAND ENTRIES. Passed with amendments S. 359, to permit desert land entries on disconnected tracts of land aggregating less than 320 acres and form a compact unit. p. 14696
14. TRANSPORTATION. Passed under suspension of the rules H. R. 8382, to provide for the licensing of independent foreign freight forwarders (pp. 14747-48); and H. R. 474, to repeal Sec. 217 of the Merchant Marine Act of 1936 relating to the coordination of the forwarding and servicing of water-borne export and import foreign commerce of the U. S. (p. 14748).
15. FRUITS AND NUTS. Voted 40 to 33 to suspend the rules and pass H. R. 11056, to amend the Agricultural Marketing Agreement Act so as to extend restrictions on certain imported citrus fruits, dried fruits, walnuts, and dates. At the request of Rep. McCormack further consideration of the bill was postponed until Wed., Aug. 6. pp. 14754-60
16. WATERSHEDS. Received from the Budget Bureau plans for works of improvement pertaining to the following watersheds: Furnace Brook-Middle River, Conn. and Mass.; Busseron, Ind., and Crooked Creek, Iowa; to Agriculture Committee. p. 14768
17. RADIO FREQUENCIES. The Interstate and Foreign Commerce Committee reported with amendments S. J. Res. 106, to establish a commission to investigate the utilization of the radio and television frequencies allocated to agencies and instrumentalities of the Federal Government (H. Rept. 2355). p. 14768
18. SALINE WATER. The Interior and Insular Affairs Committee ordered reported with amendment S. J. Res. 135, to provide for the construction of demonstration plants for the production, from saline waters, of water suitable for agricultural, industrial and consumptive uses. p. D789
19. MILITARY CONSTRUCTION. Conferees agreed to file a conference report on H. R. 13015, the military construction authorization bill. p. D790
20. PERSONNEL. Passed over, at the request of Rep. Ford, H. R. 1168, to restore the pay of officers or employees to the level of the grade held before downgrading in certain cases. p. 14684

#### SENATE

21. PRICE SUPPORTS. Sen. Proxmire criticized the cost of the present price support farm program and inserted an economic analysis of the cost of his bill, S. 2952, which concluded that it would be less expensive than the present program. pp. 14642-3



and all to be saved as a museum, and that she had made provision for it.

EVA LANE WAITE.

Subscribed and sworn to before me this 2d day of August 1957.

BETTY ECKER,

Notary Public for Oregon.

(My commission expires August 12, 1960.)

STATE OF OREGON,  
County of Douglas, ss:

I, first being duly sworn, upon my oath, depose and say that I have heard Miss Lillie Moore say that her estate would provide for a museum and park, in memory of her father and mother, pioneers of Douglas County. I saw the plans she had drawn, and she told me she was ready to begin work on the planting of native plants in the park—a tract of 47 acres in the bend of the Umpqua River. There was a building drawn on the plan I saw.

AGNES B. WILCOX.

Subscribed and sworn to before me this 2d day of August 1957.

PAUL H. KRUEGER,  
Notary Public.

(My commission expires June 6, 1960.)

STATE OF OREGON,  
County of Douglas, ss:

I first being duly sworn, upon my oath, depose and say when I was a young girl, in grade school, I used to accompany my mother to Roseburg, and when we had finished our buying, we would go to Lillie Moore's home to visit and rest awhile.

She loved our Oregon wildflowers, and I used to bring her lamb tongues and lady slippers in the springtimes. Many times, in the winters, I used to warm my feet on the hearth of her Franklin stove in the family parlor. One winter, I remember, Lillie spent her time at a little marble top table, drawn up near the window—for there were no electric lights. She was drawing plans for planting native shrubs and plants and making a park out of some land she owned on the other side of the Umpqua River. I remember she had roads and paths drawn on her maps, and had some sort of a building designed. She told me one time we visited her, that she would put her things there, and that my children would never see a stove like hers, unless she saved it for this building she was planning. She was awfully unhappy when the city of Roseburg made her sell it for the veterans' hospital that was to come here.

After that she did a lot of writing about where each piece of furniture came from, and where it was used in her home.

AGNES B. WILCOX.

Sworn to and subscribed before me this the 24th day of June 1957.

J. W. NICELLI,  
Notary Public for Oregon.

(My commission expires October 25, 1960.)

STATE OF OREGON,  
County of Douglas, ss:

I first being duly sworn, upon my oath, depose and say I am the granddaughter of Gen. Joseph Lane, first Territorial Governor of Oregon, and have taught in the schools of Douglas County for over 40 years. My grandfather chose Douglas County for his permanent home, and moved his family here in 1853.

No one, more than I, has a deeper realization of the values of historic preservation for Douglas County.

I personally knew Lillie Moore. Her parents and mine were intimate friends. It was her family's wish that their property be used for a museum, and Lillie tried to carry out their wishes. Somehow her will was not properly made, and her intention was not recognized.

I, and my cousin, Winnifred Mosher, now deceased, visited Lillie Moore about 3 months

before her death, and at the time bedfast. She told us things were in readiness, and possessions labeled to become part of a museum. She expressed great satisfaction on that she had provided for the museum's creation.

EVA LANE WAITE.

Subscribed and sworn to before me this 24th day of June 1957.

A. C. ROLL,  
Notary Public for Oregon.

(My commission expires April 17, 1959.)

Mr. NEUBERGER. I should like to ask a question of my distinguished senior colleague. I have respected his application of the Morse formula. I believe that certainly he should apply it to his own State as well as to other States, and he is being consistent when he does that.

There has reached my desk a letter sent to me by Representative PORTER, which he received from Ernest S. Griffith, Director of the Legislative Reference Service, Library of Congress. The letter is comparatively brief, and I would appreciate it if my distinguished senior colleague would bear with me while I read it.

Then perhaps he would care to comment on whether the Library of Congress is correct or incorrect in its statement in the letter. It reads as follows:

THE LIBRARY OF CONGRESS,  
LEGISLATIVE REFERENCE SERVICE,  
Washington, D. C., March 10, 1958.

The Honorable CHARLES PORTER:  
House of Representatives,  
Washington, D. C.

DEAR MR. PORTER: In connection with H. R. 6995, you have asked for a search for possible precedents—the precedent being, as we understand it, a situation where the United States, having acquired property by gift and having received profits therefrom is later asked to carry out an unwritten condition of the original donor. In the present instance it means dedicating a part of the property, for the purpose indicated (a museum) and returning, or contributing a share of the cash profits already received.

As so delimited, the situation is obviously quite specialized, and it would be beyond the reach of any tool we have available, to identify applicable legislation, if there is such.

You further indicate that your real interest is in avoiding any application of the Morse formula, which you feel does not apply in a case of this sort.

As a matter of fact, the author of the Morse formula is on record to this same effect. Attached is a copy of S. Rept. 2061 on H. R. 8123 in the 84th Congress. Senator MORSE's letter (see pp. 3-5) states very clearly his conception of the formula, and his thought that it did not apply to property donated to the Government and which was sought to be reconveyed to a city for public purposes. His criterion was that the proposed transfer in its essence represents fair play and equity. It would seem that the argument would equally hold in the present instance.

Sincerely yours,

ERNEST S. GRIFFITH,  
Director.

I do not know whether the suggestion contained in the letter applies, because I am not wholly familiar with the long history of the Morse formula, which dates from 1946, which, of course, is long before I became a Member of the Senate. I should like to ask my colleague if there is any validity to the letter from the Legislative Reference Service of the Library of Congress regarding the applica-

tion of the Morse formula where property was donated in a legacy, as is the case of the Lillie Lela Moore house and the lots of land adjacent thereto.

Mr. MORSE. My answer is that the Morse formula does apply to this property. I have said so on various occasions on the floor of the Senate over the years. We are discussing an exceedingly valuable piece of property, located in the business heart of Roseburg, Ore. It would bring an exceedingly high price. It belongs to all the taxpayers of the United States. If the people of Roseburg, Ore., want it, they ought, in my opinion, to proceed to raise a fund to pay 50 percent of the fair market value of the property.

Mr. NEUBERGER. I thank my distinguished colleague for his comment.

The PRESIDING OFFICER. Objection is heard. The bill will go over.

#### AMENDMENT OF ATOMIC ENERGY ACT OF 1954—BILL PASSED OVER

The bill (H. R. 13455) to amend the Atomic Energy Act of 1954, as amended, was announced as next in order.

Mr. TALMADGE. Over. The bill is not properly calendar business.

The PRESIDING OFFICER. The bill will be passed over.

#### PORTSMOUTH, R. I.

The Senate proceeded to consider the bill (S. 2836) for the relief of the town of Portsmouth, R. I. which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the word "of", to strike out "2,452.50" and insert "\$3,433.50", and, in line 10, after the word "and", to strike out "June 30" and insert "August 31", so as to make the bill read:

*Be it enacted etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the town of Portsmouth, R. I., the sum of \$3,433.50, representing the amount due such town from the Public Housing Administration as payments in lieu of taxes for projects RI-1-D-1 and RI-2-D-1, Melville Trailer Park, Portsmouth, R. I., for the period between February 1, 1956, and August 31, 1956: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DONALD J. MARION

The bill (S. 3789) for the relief of Donald J. Marion was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That Donald J. Marion of West Newbury, Mass., is hereby relieved



of all liability for payment to the United States of the sum of \$571.20, representing overpayments of per diem which he received as an employee of the Department of the Navy while he was assigned to duty at the Golchik Navy Yard, Ismet, Turkey, such overpayments having been made as a result of administrative error.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Donald J. Marion, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this act.

#### DONALD R. PENCE

The bill (H. R. 1565) for the relief of Donald R. Pence was considered, ordered to a third reading, read the third time, and passed.

#### JAMES L. McCABE

The bill (H. R. 8233) for the relief of James L. McCabe was considered, ordered to a third reading, read the third time, and passed.

#### JOHN C. HOUGHTON, JR.

The bill (H. R. 9006) for the relief of John C. Houghton, Jr., was considered, ordered to a third reading, read the third time, and passed.

#### GERALD K. EDWARDS AND OTHERS

The bill (H. R. 9756) for the relief of Gerald K. Edwards, Lawrence R. Hitchcock, Thomas J. Davey, and Gerald H. Donnelly was considered, ordered to a third reading, read the third time, and passed.

#### 1ST LT. LUTHER A. STAMM

The bill (H. R. 9986) for the relief of Luther A. Stamm was considered, ordered to a third reading, read the third time, and passed.

#### LUCIAN ROACH

The bill (H. R. 12261) for the relief of Lucian Roach, doing business as the Riverside Lumber Co., was considered, ordered to a third reading, read the third time, and passed.

#### MR. AND MRS. CARMEN SCOPPETTUOLO

The Senate proceeded to consider the bill (H. R. 4059) for the relief of Mr. and Mrs. Carmen Scoppettuolo, which had been reported from the Committee on the Judiciary, with an amendment on page 1, line 6, after the word "of", where it appears the first time, to strike out "\$1,540" and insert "\$300."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

### LUMP-SUM PAYMENT OF ACCUMULATED ANNUAL LEAVE OF DECEASED EMPLOYEES

The Senate proceeded to consider the bill (H. R. 7710) to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees, which had been reported from the Committee on Post Office and Civil Service with amendments, on page 1, after line 10, to insert a new section, as follows:

SEC. 2. Section 215 of the Postal Rate Increase Act, 1958, is amended by striking out "205 (5)," in subsection (b) and by adding at the end of such section a new subsection as follows:

"(g) The provisions of section 205 (5) of this title shall become effective on May 1, 1959."

And, on page 2, after line 5, to insert a new section, as follows:

SEC. 3. Section 501 of the Postal Field Service Compensation Act of 1955, as amended, is amended by inserting "(a)" after the section number and by adding at the end thereof a new subsection as follows:

"(b) Any employee of the legislative branch whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, may upon appointment to a position to which this act applies have his initial rate of compensation fixed at the minimum rate of the appropriate level of the basic salary schedule applicable to such position, or at any step of that level that does not exceed the highest previous rate of compensation received by him during such service in the legislative branch."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

### ANNUITIES OF SURVIVORS OF EMPLOYEES WHO ARE ELECTED AS MEMBERS OF CONGRESS

The Senate proceeded to consider the bill (H. R. 8606) to amend the Civil Service Retirement Act with respect to annuities of survivors of employees who are elected as Members of Congress, which had been reported from the Committee on Post Office and Civil Service, with amendments, on page 1, line 4, after the word "words", to "or survivor of a Member", and insert "Member service" in the last sentence and inserting in lieu thereof "civilian service"; on page 2, after line 8, to insert:

(d) Section 4 of such act is amended by adding at the end thereof a new subsection as follows:

"(h) For purposes of survivor annuity, deposits authorized by subsections (c) and (d) may also be made by the survivor of an employee or Member."

After line 13, to insert:

(e) The amendments made by this section shall take effect as of March 1, 1958.

And, after line 15, to insert a new section, as follows:

SEC. 2. (a) In the administration of the Civil Service Retirement Act, George Morris Fay shall be considered to have retired for disability under the provisions of such act on May 31, 1957, the date of his separation from service as an employee of the United States Senate, to have elected a reduced annuity, and to have designated his wife, Dorothy D. Fay, to receive an annuity after his death equal to 50 percent of the annuity which he would have received upon such retirement in the absence of such election.

(b) No annuity shall be payable under this section—

(1) until there shall be been repaid to the Civil Service Retirement and Disability Fund the amount of any lump-sum benefit heretofore paid on account of the death of the said George Morris Fay, or

(2) for any period prior to the first day of the month in which this act is enacted.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

### BILL PASSED OVER

The bill (S. 4146) providing for payments as incentives for the production of certain strategic and critical minerals, and for other purposes, was announced as next in order.

Mr. TALMADGE. Let the bill go over. It is not proper calendar business.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

### EXTENSION OF CERTAIN VETERANS' BENEFITS

The bill (H. R. 5322) to extend certain veterans' benefits to or on behalf of dependent husbands and widowers of female veterans was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BENNETT. Mr. President, I do not intend to object. The bill has been reported from the Finance Committee. I have a statement which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### BRIEF ANALYSIS OF H. R. 5322

This bill extends dependency and survivor benefits to the dependent husband of the female veteran providing he is totally and permanently disabled and incapable of self support due to such physical or mental disability. It does not apply to a husband who is not totally disabled and dependent on the female veteran because of his mental or physical incapacity.

Under existing law the dependent wife of a male veteran is eligible for such benefits, without having to meet the disability clause.

It is the belief of the Committee on Finance that such legislation is highly desirable both on the basis of providing uniformity and because it is sound policy to make the benefits available to the dependent husbands or widowers of female veterans in the same manner as they are available to







*House - Aug 15, 1958*

23. MINERALS. The Rules Committee reported a resolution for consideration of S. 4036, to provide production payments to stabilize the production of certain minerals. pp. 16411-2, 16429
24. EDUCATION. The Education and Labor Committee reported without amendment H. R. 13241, to provide assistance to the States for area vocational education programs (H. Rept. 2649). p. 16429
25. RECLAMATION. The Rules Committee reported a resolution for consideration of H. R. 13523, to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Fryingpan-Arkansas reclamation project. pp. 16412, 16429
26. PERSONNEL. Conferees were appointed on S. 25, to specify the effective date upon which changes in pay of wage-board employees shall begin following the start of a survey. Senate conferees have been appointed. p. 16412  
Conferees were appointed on H. R. 7710, to provide for the lump sum payment of all accumulated and accrued annual leave of deceased employees. Senate conferees have not been appointed. p. 16412
27. SMALL BUSINESS. Passed without amendment S. 3224, to improve opportunities for small business concerns to obtain a fair proportion of Government purchases and contracts. This bill will now be sent to the President. p. 16414
28. HOUSING. Rep. Hiestand inserted a summary of H. R. 13776, the proposed Housing Act of 1958. pp. 16414-5
29. PROPERTY; LEASES. The Government Operations Committee ordered reported S. 3142 to extend GSA authority to lease out Federal building sites until needed for construction purposes. p. D860  
The Government Operations Committee adopted a report, "Importation of Foreign Excess Property." p. D860
30. LEGISLATIVE PROGRAM. Rep. McCormack announced the following legislative program: Mon., Aug. 18: Consent Calendar; and the following under suspension of the rules: S. 4035, housing bill; H. R. 13067, food stamp bill; S. 4039, increased funds for research; and H. R. 13241, vocational education bill; Tues. and remainder of the week: Private Calendar; S. 1764, D. C. school lunch bill; and S. 4036, minerals stabilization payments bill. pp. 16909-10
31. ADJOURNED until Mon., Aug. 18. p. 16428

#### SENATE - August 16

32. FARM PROGRAM. Agreed to a motion by Sen. Ellender requesting the House to return S. 4071, the farm bill, to the Senate for considering agreeing to the House amendments to the bill. Sens. Mundt and Thye criticized this action. pp. 16508, 16510-11
33. FOREIGN TRADE; SURPLUS COMMODITIES. Conferees were appointed on S. 3420, to extend Public Law 420. House conferees have not been appointed. pp. 16520-21
34. FORESTRY. Sen. Jackson criticized Federal timber sales policies, stating that "I am disappointed that the Forest Service has not met its timber sales goals," that "it is high time that the secretariat for the Department of Agriculture and the bureaucracy of the Budget Bureau to take off their blinders and look to the goals that must be achieved," and inserted tables on timber sales administration and management, and Forest Service appropriated funds for the past several years. pp. 16497-99

HOUSE - August 15

12. AREA REDEVELOPMENT. Passed with amendments, 176 to 130, S. 3683, to establish an effective program to alleviate conditions of substantial unemployment in economically depressed areas. (pp. 16342-408) Rejected, 79 to 106, an amendment, in the nature of a substitute for the bill, by Rep. Fenton. Rep. Fenton explained that his proposed substitute amendment was the same as his bill H. R. 5468, "which I introduced for the administration on February 28, 1957". (pp. 16389-94) Rejected, 170 to 188, a motion by Rep. Hiestand to recommit the bill to the Banking and Currency Committee. (p. 16408)
13. ONION FUTURES. Agreed to the conference report on H. R. 376, to prohibit trading in onion futures. This bill will now be sent to the President. p. 16335
14. DISASTER LOANS. The Agriculture Committee reported with amendment S. 304, to provide for a specific contribution by State governments to the cost of feed or seed furnished to farmers, ranchers, or stockmen in disaster areas (H. Rept. 2650). p. 16429
15. CROP INSURANCE. The Agriculture Committee reported with amendment H. R. 13262, to eliminate the prohibition against crop insurance being made available to certain counties which do not have wide participation in the program (H. Rept. 2646). p. 16429
16. FORESTRY. The Agriculture Committee reported without amendment S. 3741, to provide regular national forest status to most lands under the jurisdiction of the Forest Service (H. Rept. 2638). p. 16429
17. RESEARCH. The Interstate and Foreign Commerce Committee reported with amendment S. 4039, to authorize the head of any Government agency now making contracts for research to grant funds for the support of such research (H. Rept. 2640), and H. R. 11257, to make various amendments regarding administration of the National Science Foundation (H. Rept. 2642). p. 16429
18. MILITARY CONSTRUCTION. Conferees were appointed on H. R. 13489, military construction appropriation bill for 1959. p. 16320
19. PALM OIL; TAXATION. Passed as reported H. R. 10239, to amend the Internal Revenue Code of 1954 so as to exempt palm oils from tax during the first domestic processing until June 30, 1960. p. 16332
20. BUTTER; CHEESE. Passed as reported S. 2006, to amend the Internal Revenue Code of 1954 so as to relieve the Surgeon General of the Army and Navy from sitting with the Secretary of Agriculture on appeals boards to decide appeals from the decision of the Secretary of the Treasury on cases involving deleterious substances in butter or oleomargarine or in any substance used in the manufacture of so-called filled cheese. pp. 16332-3
21. WATER RESOURCES. Passed as reported S. 4021, to establish the U. S. Study Commission on the Savannah, Altamaha, St. Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins. The House amendment replaces the Alabama-Coosa River Basin with the Perdido-Escambia River Basin. pp. 16335-7
22. FARM PROGRAM. Rep. Hoffman objected to Rep. Cooley's request for unanimous consent to agree to Senate's request for a conference on S. 4071, the farm bill. p. 16410



in paragraphs (1) through (5) of this subsection (a);

shall be suspended by the Commissioners and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any other motor vehicle be thereafter registered in the name of such person as owner, except that (1) if such owner has previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, the Commissioners shall not suspend such registration unless otherwise required or permitted by law, or (2) if a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, the District of Columbia, a State, or a political subdivision of a State or a municipality thereof, the Commissioners shall not suspend the registration of any vehicle so owned or leased. If such person be not a resident of the District of Columbia, the privilege of operating any motor vehicle in the District of Columbia and the privilege of operation within the District of Columbia of any motor vehicle owned by him shall be suspended until he shall have furnished proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, and such person shall not be allowed a license, nor shall such owner be allowed to register any vehicle in the District of Columbia, until he has complied with the requirements of this article to the same extent that would be necessary if, at the time of the conviction or forfeiture, he had held a license or had been the owner of a vehicle registered in the District of Columbia.

"(b) Upon receipt of a certification from any State that the operating privilege of a resident of the District of Columbia has been suspended or revoked pursuant to a law providing for such suspension or revocation for a conviction or forfeiture under circumstances which would require the Commissioner to suspend a nonresident's operating privilege had the offense occurred in the District of Columbia, the Commissioners shall suspend the license of such resident and the registration of all vehicles registered in his name."

Page 9, after line 19, insert:

"Sec. 10. Section 39 of such act approved May 25, 1954 (sec. 40-455, D. C. Code, 1951), is amended to read as follows:

"Sec. 39. Action in respect to unlicensed person: (a) If a person by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for:

"(1) Driving a motor vehicle upon the highways without being licensed to do so under the laws of the District of Columbia when so required; or

"(2) Driving a vehicle not registered under the laws of the District of Columbia when so required;

the operating privilege of such person shall be suspended and no license shall thereafter be issued to such person, but if such person has obtained a license prior to the time the Commissioners have issued an order precluding the issuance of such license, then such license shall be suspended; and no vehicle shall continue to be registered or thereafter be registered in the name of such person as owner, unless such person shall give and thereafter maintain proof of financial responsibility.

"(b) It shall be the duty of the clerk of the court in which any such conviction or forfeiture is ordered to forward immediately to the Commissioners a certified copy of said order, which certified copy shall be prima facie evidence of the facts stated therein."

Page 9, after line 19, insert:

"Sec. 11. Section 41 of such act approved May 25, 1954 (sec. 40-457, D. C. Code, 1951),

is amended by striking 'a certified copy of such judgment,' and inserting in lieu thereof 'a certificate of facts relative to such judgment, upon a form provided by the Commissioners,' and by striking 'certified copy' and inserting in lieu thereof 'certificate'."

Page 9, after line 19, insert:

"Sec. 12. Section 43 of such act approved May 25, 1954 (sec. 40-459, D. C. Code, 1951), is amended by striking the word 'and' where it first appears and inserting the word 'or' in lieu thereof and by striking ', on a form provided by the Commissioners'."

Page 9, after line 19, insert:

"Sec. 13. Section 72 of such act approved May 25, 1954 (sec. 40-488, D. C. Code, 1951 edition), is amended (a) by inserting the subsection symbol '(a)' immediately before the first sentence; and (b) by adding the following subsection:

"(b) No person shall swear falsely to any affidavit required by the Commissioners under the authority of this act."

Page 9, after line 19, insert:

"Sec. 14. Section 73 of such act approved May 25, 1954 (sec. 40-489, D. C. Code, 1951 edition), is amended (a) by striking 'or Registration' in the caption; and (b) by striking 'or registration' and 'or knowingly permits any vehicle of a type subject to registration under the law of the District of Columbia owned by such person to be operated by another upon any highway'."

Page 9, strike out lines 20 and 21 and insert:

"Sec. 15. Section 78 of such act approved May 25, 1954 (D. C. Code, sec.)

Page 10, after line 3, insert:

"Sec. 16. Nothing in this act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia Reorganization Plan No. 5 of 1952 (66 Stat. 824). The performance of any function vested by this act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan."

Page 10, strike out lines 4, 5, and 6, and insert:

"Sec. 17. Section 2 of this act shall take effect 60 days after its enactment."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. HALLECK. Mr. Speaker, reserving the right to object, and on this matter I shall not object, in view of the list of 35 suspensions that have just been read, I think a few observations ought to be made at this point.

In the first place, I think it ought to be understood by all of us here and by the people of the country that on Monday next, under the rules of the House, suspensions, of course, can be called as determined by the Speaker. And, to that, certainly we have no quarrel. But, it should be understood in connection with that that the consent of the minority to call up these measures under suspension is not required on next Monday.

Now, just as evidence of what we are up against, the housing bill will be called. I do not know what form it will be in. But, that is a \$2.4 billion bill. The so-called Kennedy-Ives labor bill, the consideration of which only on Thursday last was refused in the Committee on Education and Labor by a vote of 22 to 7, will be called under suspension. There are many other important bills involving the expenditure of millions, if not billions, of dollars on that program.

Now, I do not know how much opportunity we will have to get ready to present the issues on Monday next, but certainly some of these measures could have been acted upon in the regular way earlier. Some of these measures are minor, of course, and there is no question about them. Suspension of the rules is an easy and available way to handle them. But, speaking for myself, and I think a great number of Members on this side of the aisle as well as on the other side of the aisle, it is kind of a sorry situation that is going to confront us next Monday.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I want to ask the distinguished majority leader one question, if I may. When can we expect to get the foreign aid bill?

Mr. McCORMACK. Well, that bill is in the Senate, as the gentleman knows. No one can answer that question until we know when the Senate acts upon it.

Mr. GROSS. Can the distinguished gentleman give us any reason why this bill is being held until the last minute?

Mr. McCORMACK. What bill?

Mr. GROSS. The foreign aid bill, the appropriation bill.

Mr. McCORMACK. Of course, the gentleman knows that the authorization bill had to go through first. In the first place, the administration delayed for many, many weeks sending the recommendation up. If they had gotten the recommendation for the authorization bill up when we expected it, the situation with reference to the mutual assistance appropriation would not have existed at the tail end of the session. So, the responsibility rests with the White House.

Mr. GROSS. I sincerely hope it is not being held up for the purpose of trading stock as it was last year.

Mr. McCORMACK. I am very sorry that my friend from Iowa is so disappointed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### TO STABILIZE PRODUCTION OF COPPER, LEAD, ZINC, ET CETERA

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 689, Rept. No. 2653), which was referred to the House Calendar and ordered to be printed:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of S. 4036 to stabilize production of copper, lead, zinc, acid-grade fluorspar, and tungsten from domestic mines. After general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the



bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### FRYINGPAN-ARKANSAS PROJECT, COLORADO

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 690, Rept. No. 2654), which was referred to the House Calendar and ordered to be printed:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H. R. 13523 to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Fryingpan-Arkansas project, Colorado. After general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### RETIREMENT, ET CETERA, FORMER PRESIDENTS OF THE UNITED STATES

Mr. MURRAY. I ask unanimous consent that the conferees on the bill S. 607 to provide retirement, clerical assistants, and free-mailing privileges to former Presidents of the United States, and for other purposes, have until midnight tomorrow to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. GROSS. Mr. Speaker, I object.

#### INCREASES IN COMPENSATION TO WAGE BOARD EMPLOYEES

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees, with House amendments thereto, insist on the House amendments and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. MURRAY, MORRISON, DAVIS of Georgia, REES of Kansas, and CORBETT.

#### LUMP-SUM PAYMENT OF ACCUMULATED AND ACCRUED ANNUAL LEAVE OF DECEASED EMPLOYEES

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7710) to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. MURRAY, MORRISON, and REES of Kansas.

#### ANNUITIES OF SURVIVORS OF EMPLOYEES ELECTED MEMBERS OF CONGRESS

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8606) to amend the Civil Service Retirement Act with respect to annuities of survivors of employees who are elected as Members of Congress, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 4 and 5, strike out "or survivor of a Member" and insert "Member service" in the last sentence and inserting in lieu thereof "civilian service".

Page 2, after line 8, insert:

"(d) Section 4 of such act is amended by adding at the end thereof a new subsection as follows:

"(h) For purposes of survivor annuity, deposits authorized by subsections (c) and (d) may also be made by the survivor of an employee of Member."

"(e) The amendments made by this section shall take effect as of March 1, 1958."

Page 2, after line 8, insert:

"Sec. 2. (a) In the administration of the Civil Service Retirement Act, George Morris Fay shall be considered to have retired for disability under the provisions of such act on May 31, 1957, the date of his separation from service as an employee of the United States Senate, to have elected a reduced annuity, and to have designated his wife, Dorothy D. Fay, to receive an annuity after his death equal to 50 percent of the annuity which he would have received upon such retirement in the absence of such election.

"(b) No annuity shall be payable under this section—

"(1) until there shall have been repaid to the Civil Service Retirement and Disability Fund the amount of any lump-sum benefit heretofore paid on account of the death of the said George Morris Fay, or

"(2) for any period prior to the first day of the month in which this act is enacted."

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### MAKING, AMENDMENT, AND MODIFICATION OF CONTRACTS TO FACILITATE THE NATIONAL DEFENSE

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 12394) to authorize the making, amendment, and modification of contracts to facilitate the national defense, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line, after "defense," insert "The authority conferred by this section shall not be utilized to obligate the United States in an amount in excess of \$50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or an assistant head or his deputy, of such department or agency, or by a Contract Adjustment Board established therein."

Page 2, line 11, after "advertising" insert "and competitive bidding."

Page 3, line 3, strike out "incompatible with the public interest" and insert "detrimental to the national security."

Page 3, line 14, strike out "Each" and insert "Every."

Page 4, line 1, after "above," insert "and under regulations prescribed by the President."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. KEATING. Mr. Speaker, reserving the right to object, will the gentleman from Georgia please explain these amendments?

Mr. FORRESTER. Mr. Speaker, I will say to the gentleman from New York that, of course, the gentleman knows this is a very comprehensive bill. The amendments thereto I think are a compliment to the work of the committee and this House. The only thing I see of substance here is the limitation that no obligation of over \$50,000 shall be made unless it is done on a higher level. As a matter of fact, we had treated that as a regulation whereas they make it as a matter of law. So I say again I think we should be complimented on this measure.

Mr. KEATING. So that the amendment to which the gentleman has referred is the only one which he considers of substance which has been added to the bill as it passed the House?

Mr. FORRESTER. That is exactly right.

Mr. KEATING. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### DISPOSAL OF PROPERTY, BOULDER CITY, NEV.

Mr. ASPINALL submitted the following conference report and statement on







11. RESEARCH. Passed with an amendment S. 3268, to amend the National Science Foundation Act regarding certain authority of the Board. The House amendment substitutes the text of H. R. 11257, a similar bill. pp. 17281-2
12. FOREIGN TRADE. Rep. Sikes urged the establishment of an Inter-American Bank designed to promote trade and improve the prosperity of the nations of the Western Hemisphere. p. 17299
13. LEGISLATIVE PROGRAM. Agreed to a unanimous consent request by Rep. Albert that for the remainder of this week bills may be considered under suspension of the rules. pp. 17289-90

## SENATE

14. PERSONNEL. Conferees were appointed on H. R. 7710, to provide for the lump-sum payment of all accumulated and accrued annual leave of deceased employees. House conferees have been appointed. p. 17323  
Passed without amendment H. R. 9407, to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service. This bill will now be sent to the President. p. 17170  
Sen. Martin, Pa., was appointed a conferee on S. 25 to specify the effective date upon which pay changes of wage-board employees shall begin following start of a survey. p. 17323
15. FOOD ADDITIVES. At the request of Sen. Clark passed over H. R. 13254, to prohibit the use of food additives until after adequate tests of their safety, which had been placed at the end of the calendar earlier in the day at the request of Sen. Carroll for Sen. O'Mahoney. pp. 17171, 17166
16. MONOPOLIES. Sen. Wiley submitted an amendment to H. R. 2, the Illinois Waterway - Great Lakes diversion bill, which would limit the use of good faith as a defense under Clayton Act prosecutions for price discrimination. p. 17146
17. FORESTRY. Sen. Humphrey inserted resolutions from the villages of McKinly and Stuntz, Minn., urging construction of projects planned for the Superior National Forest so as to provide employment in that area. p. 17144
18. ECONOMIC SITUATION. Sen. Martin, Pa., discussed the economic situation and the dangers of inflation. He cited figures on U. S. Steel Corp. which he asserted showed that price increases were proportionate to the prior wage increases and thus proved the existence of wage-cost-push inflation in recent years. pp. 17156-9

## ITEMS IN APPENDIX

19. WITHHOLDING INFORMATION. Extension of remarks of Rep. Moss discussing the signing by the President of H. R. 2767, with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records, and inserting an analysis of the "absurdity and the dangers of this Government-wide claim of 'executive privilege'" pp. A7448-50
20. FARM PROGRAM. Rep. Derounian commended and inserted Secretary Benson's magazine article, "Don't Let Unpopularity Scare You." pp. A7466-7



21. MINERALS. Extension of remarks of Rep. Dixon inserting a table showing the maximum costs of incentive payments proposed by S. 4036, the minerals stabilization bill. pp. A7472-3
22. TAXATION. Extension of remarks of Rep. Sadlak reemphasizing his belief that a thoroughgoing reform of our Federal income tax rate structure is vital to our national security. pp. A7479-81
23. AREA DEVELOPMENT. Speech in the House by Rep. Roosevelt urging passage of S. 3683, the proposed area redevelopment bill. pp. A7488-9
24. HUMANE SLAUGHTER. Sen. Proxmire inserted an editorial commending Sen. Humphrey for his "great fight" in securing passage of the humane-slaughter bill. pp. A7494-5

BILL APPROVED BY THE PRESIDENT

25. LAND TRANSFER. H. R. 11800, which authorizes the Secretary to convey approximately 7 acres of the land and improvements comprising the U. S. Animal Quarantine Station to the city of Clifton, N. J., for public use purposes, subject to the city paying 75 percent of the appraised value of the land and improvements, plus \$30,000 to be available to the Department in making alterations and improvements on the remaining portion of the quarantine station. Approved August 20, 1958 (Public Law 85-687, 85th Congress).



its position on amendment No. 114 [putting the question].

The motion was rejected.

The PRESIDING OFFICER. The question now comes on agreeing to the motion of the Senator from Arizona [Mr. HAYDEN] that the Senate further disagree to the amendment of the House to the amendment of the Senate numbered 114, insist on the Senate amendment, and request a further conference with the House.

The motion was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate insist upon its amendment, request a further conference with the House, and that the Chair appoint the same conferees.

The motion was agreed to and the Presiding Officer appointed Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. ANDERSON, Mr. BRIDGES, Mr. SALTONSTALL, Mr. YOUNG, and Mr. KNOWLAND conferees on the part of the Senate to the further conference.

Mr. MANSFIELD. Mr. President, will the Senator from Arizona yield to me?

Mr. HAYDEN. I yield.

Mr. MANSFIELD. I understand that the \$2,500,000 to be paid to the Crow Nation for the right-of-way and dam site in Big Horn, Montana, has been disallowed by the House.

Mr. HAYDEN. Yes.

Mr. MANSFIELD. I further understand that the funds allocated by the Senate for the Creston Fish Hatchery and the Miles City Fish Hatchery have been disallowed by the House.

Mr. HAYDEN. They were.

Mr. MANSFIELD. Can the Senator from Arizona give the Montana congressional delegation any assurance that these matters will be given priority consideration at the beginning of the next session?

Mr. HAYDEN. Both of them are highly meritorious projects. The Crow Indians must be paid.

As for the fish hatcheries, they are badly needed; but others are badly needed, too, so these hatcheries are not alone in that respect. But they will have to wait until the next bill. At that time, I shall do my best to take care of them.

Mr. MANSFIELD. Mr. President, if I may ask the chairman of the committee a further question, has there been any change in the allocation of funds so that the Crow Nation can be paid for the rights they are deeding to the Government, through resolution, to the right-of-way and dam site of this great project which has been authorized for 14 years in eastern Montana?

Mr. HAYDEN. They can be paid out of the available reclamation funds. The objection was made they would come out of the funds for the Missouri River Basin project, and that same money would not be available for other work which had to be done. We thought it was better—I still think so—to appropriate directly for the payment to the Indians, and leave the Missouri River project funds alone.

Mr. MANSFIELD. But on the basis of the new wording, the Secretary of the

Interior is empowered, if he can find funds from the Missouri River project fund, to pay the Crow Nation?

Mr. HAYDEN. That is correct.

Mr. MANSFIELD. I thank the Senator.

Mr. NEUBERGER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield to the Senator from Oregon.

Mr. NEUBERGER. May I inquire as to the fate of the funds which we added in the Senate of \$100,000 for the commencement of work and progress on the National Outdoor Recreational Review Commission?

Mr. HAYDEN. We obtained \$50,000 in the conference.

Mr. NEUBERGER. Is it the opinion of the able chairman that this amount is sufficient to get that important commission under way this year?

Mr. HAYDEN. It was all we could get.

Mr. NEUBERGER. Fifty thousand dollars is the amount allowed by the conferees?

Mr. HAYDEN. Yes.

Mr. NEUBERGER. I thank the chairman.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. LAUSCHE. I should like to ask the Senator from Arizona what, if any, change was made with respect to the \$200,000 item in the supplemental appropriation bill which the Senate provided to finance a conference of the International Civil Aviation Organization?

Mr. HAYDEN. Amendment numbered 111 eliminates languages proposed by the Senate which would appropriate \$200,000 for international contingencies. The Department is authorized to proceed with arrangements for holding the 12th session of the International Civil Aviation Organization in the United States.

In other words, whatever funds are available can be used for this conference.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield to the Senator from North Dakota.

Mr. LANGER. Will the Senator tell me what happened to the \$100,000 appropriation for a peace garden to be located in Canada and North Dakota?

Mr. HAYDEN. The conference committee directed the National Park Service to use available funds for the International Peace Garden.

#### LUMP-SUM PAYMENT OF ACCUMULATED AND ACCRUED ANNUAL LEAVE OF DECEASED EMPLOYEES

Mr. JOHNSTON of South Carolina. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 7710) to provide

for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSTON of South Carolina. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSTON of South Carolina, Mr. NEUBERGER, Mr. YARBOROUGH, Mr. MARTIN of Iowa, and Mr. MORTON conferees on the part of the Senate.

#### EFFECTIVE DATES OF INCREASES IN COMPENSATION GRANTED TO WAGE BOARD EMPLOYEES—CHANGE OF CONFEE

Mr. JOHNSTON of South Carolina. Mr. President, the distinguished Senator from Kansas [Mr. CARLSON], who had been appointed by the Chair as a conferee on Senate bill 25, is necessarily absent from the Senate. I ask unanimous consent that the Chair appoint a conferee to serve in the place of the Senator from Kansas.

The PRESIDING OFFICER. The Chair is advised that the Senator from Iowa [Mr. MARTIN] has been appointed in the place of the Senator from Kansas.

#### PUBLIC WORKS APPROPRIATION BILL, 1959—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12858) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

[For conference report, see House proceedings of August 18, 1958, p. 16812, CONGRESSIONAL RECORD.]

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, all legislation must be the result of adjusting the differences in a bill as passed by the two Houses of Congress, I consider the result of this conference as very satisfactory to the Senate conferees, and the report was signed by all of the Senate conferees. There were some compromising with reference to the Senate amendments, but that is the purpose of a conference.

The conference report provides an



appropriation of \$1,118,128,835, which is \$41,787,000 below the amount approved by the Senate, and \$40,301,635 above the amount approved by the House.

Attached is a summary of the bill, showing how the money is to be distrib-

uted among titles I, II, and III. Title I covers civil functions, Department of the Army. Title II covers certain agencies of the Department of the Interior. Title III covers the Tennessee Valley Authority.

Mr. President, I ask unanimous consent that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Public works appropriation bill, fiscal year 1959—Summary table*

	Budget estimates, 1959	House allowance	Senate allowance	Conference allowance
<b>TITLE I</b>				
CIVIL FUNCTIONS, DEPARTMENT OF THE ARMY				
Quartermaster Corps, cemetery expenses.....	\$6,915,000	\$6,915,000	\$6,915,000	\$6,915,000
Corps of Engineers:				
General investigation.....	7,940,000	8,613,500	11,485,000	10,188,500
Construction, general.....	564,620,000	578,455,500	630,371,500	603,246,500
Operation and maintenance, general.....	101,200,000	109,370,000	115,970,000	113,370,000
General expenses.....	11,750,000	11,720,000	11,720,000	11,720,000
Mississippi River and tributaries.....	67,000,000	67,250,000	70,960,000	68,347,500
St. Lawrence Joint Board of Engineers.....	100,000	100,000	100,000	100,000
Total, Corps of Engineers.....	752,610,000	775,509,000	840,606,500	806,972,500
Total, title I.....	759,525,000	782,424,000	847,521,500	813,887,500
<b>TITLE II</b>				
DEPARTMENT OF THE INTERIOR				
Bureau of Reclamation:				
General investigations.....	4,752,000	4,365,474	5,252,000	4,556,000
Construction and rehabilitation.....	140,010,000	138,986,141	153,347,000	146,015,000
Operation and maintenance.....	27,500,000	27,500,000	27,500,000	27,500,000
Loan program.....	25,200,000	4,800,000	5,434,000	5,434,000
General administrative expenses.....	4,164,000	3,914,000	4,164,000	4,039,000
Upper Colorado River Basin fund.....	67,475,000	67,173,585	68,033,335	68,033,335
Total, Bureau of Reclamation.....	269,101,000	246,739,200	263,730,335	255,577,335
Bonneville Power Administration:				
Construction.....	21,000,000	20,934,000	20,934,000	20,934,000
Operation and maintenance.....	9,170,000	9,170,000	9,170,000	9,170,000
Total.....	30,170,000	30,104,000	30,104,000	30,104,000
Office of the Secretary, Southeastern Power Administration; operation and maintenance.....	735,000	735,000	735,000	735,000
Southwestern Power Administration:				
Construction.....	975,000	975,000	975,000	975,000
Operation and maintenance.....	(4,405,000)	(4,405,000)	(4,405,000)	(4,405,000)
Continuing fund <sup>1</sup> .....	975,000	975,000	975,000	975,000
Total, Southwestern Power Administration.....	975,000	975,000	975,000	975,000
Total title II.....	300,981,000	278,553,200	295,544,335	287,391,335
<b>TITLE III</b>				
Tennessee Valley Authority.....	16,850,000	16,850,000	16,850,000	16,850,000
Grand total.....	1,077,356,000	1,077,827,200	1,159,915,835	1,118,128,835

<sup>1</sup> Appropriation of receipts. Not included in totals of this table.

Mr. ELLENDER. Mr. President, with respect to title I, the amount approved for cemetery expenses of the Quartermasters Corps by both the House and Senate was \$6,915,000, so this item was not in conference. Proceeding to the Corps of Engineers, the conference bill provides \$806,972,500 which is \$33,634,000 below the Senate, and \$31,463,500

more than the amount approved by the House.

On general investigations the conference bill provides \$10,188,500 which is \$1,296,500 below the amount approved by the Senate, and \$1,573,000 more than the amount approved by the House.

I append a tabulation showing a breakdown of the general investiga-

tion funds approved by the House, and as approved by the Senate, together with the amounts agreed to in conference.

Mr. President, I ask unanimous consent that the table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

		1959 appropriations		
		House	Senate	Senate conference proposal
<b>1. Examinations and surveys:</b>				
S. Res. 148.....				
(a) Navigation studies.....		\$723,500	\$100,000	\$1,023,500
(b) Flood-control studies.....		2,185,000	1,125,000	3,035,000
(c) Beach erosion cooperative studies.....		87,000	3,400,000	97,000
(d) Special studies:				
(1) San Francisco Bay area survey.....		750,000	750,000	750,000
(2) Ohio River Basin survey.....		200,000	500,000	356,000
(3) Great Lakes harbors survey.....		212,000	250,000	227,000
(4) Delaware River review.....		500,000	500,000	500,000
(5) Watershed Protection Act studies.....		75,000	75,000	75,000
(6) Hurricane studies.....		1,000,000	1,000,000	1,000,000
(7) Hudson River (siltation) study.....		141,000	141,000	141,000
(8) Potomac River review.....		200,000	200,000	200,000
(9) Colorado River, Tex.....			100,000	50,000
(10) Trinity River, Tex.....			250,000	100,000
Subtotal, examinations and surveys.....		6,073,500	8,490,000	7,551,500

*General investigations*







The bill also provides \$20 million for fiscal 1959 and each of the three succeeding fiscal years for area vocational education programs.

8. APPROPRIATIONS. Agreed that the rules may be suspended Fri., Aug. 22, for consideration of the independent offices appropriation bill. p. 17483
9. ROADS. Rep. Fallon reviewed the highlights of the work of the Committee on Public Roads during this session of Congress. pp. 17493-96
10. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 12899, to authorize Interior to construct the San Luis unit of the Central Valley project, Calif. (H. Rept. 2682). p. 17510
11. RYUKYU ISLANDS. Received from the Department of the Army a proposed bill "to provide for promotion of economic and social development in the Ryukyu Islands"; to Armed Forces Committee. p. 17510

SENATE

12. SUPPLEMENTAL APPROPRIATION. Both Houses received and agreed to the <sup>second</sup> conference report on H. R. 13450, supplemental appropriation bill for 1959 (H. Rept. 2686), and acted on amendments in disagreement. This bill will now be sent to the President. pp. 17510, 17474-6, 17438-44
13. SALINE WATER. Both Houses agreed to the conference report on S. J. Res. 135, to authorize the Interior Department to construct and operate demonstration plants to produce water for consumptive uses from saline and brackish waters. This bill will now be sent to the President. pp. 17424-6, 17454.
14. DROUGHT RELIEF. Sen. Williams criticized the administration of the drought relief loan program, and commended the passage of S. 304, to require State contribution of 25% toward any such programs, which he contended should reduce program abuses. He also inserted reports, prepared by FHA, on livestock loans made in Tex. and Okla. for more than \$50,000. pp. 17377-9
15. PERSONNEL. Agreed to the conference report on H. R. 7710, to provide for the lump-sum payment of all accumulated and accrued annual leave of deceased employees. p. 17445
16. FORESTRY. The Interior and Insular Affairs Committee reported without amendment H. R. 12281, to authorize the Secretary of the Interior to exchange lands to provide for an administrative site in the El Portal area of the Yosemite National Park, including the exchange of National Forest Land (S. Rept. 2491). p. 17374
17. FARM PROGRAM. Sen. Symington inserted a speech he prepared to deliver to the Consolidated Rural Electric Cooperative, Mexico, Mo., criticizing the Administration farm policies, increased USDA budget, and REA loan review procedures. pp. 17381-3
18. SMALL BUSINESS. Sen. Fulbright inserted a statement on the effect of the Small Business Investment Act of 1958. p. 17418
19. FOREIGN AID. Sen. Williams inserted an article, "Living It Up In Laos," criticizing our foreign aid program. pp. 17419-20



20. EXPENDITURES. Sen. Bridges submitted an amendment to be proposed to H. R. 13192, the mutual security appropriation bill for 1959, to request the President to reduce the 1959 defense budget at least 2%, and reduce other Federal appropriations 4 to 10%, except for certain fixed cost items such as pensions, interest, and cooperative Federal-State programs. p. 17448
21. MINERALS. Sen. Bible expressed his disappointment over the action of the House in defeating the minerals stabilization bill. p. 17447
22. CONTRACTS. H. R. 11749, to extend the Renegotiation Act of 1951 for 6 months, was made the unfinished business. p. 17446
23. LEGISLATIVE PROGRAM. Sen. Johnson announced the mutual security appropriation bill, the public debt limit extension bill, and the bill to extend Public Law 480, will be considered today, August 22. p. 17446

#### ITEMS IN APPENDIX

24. FARM PROGRAM. Sen. Martin inserted his statement entitled, "The Progress of American Agriculture Under the Eisenhower Administration." pp. A7501-4  
Rep. Cooley inserted a statement he prepared outlining the provisions of the new farm bill, and also a summary of the principal provisions of the bill prepared by the Office of the General Counsel, this Department. pp. A7505-6  
Sen. Watkins inserted an article, "Benson Success Story--Talk of Vice Presidential Post in 1960 Expected." pp. A7528-9  
Extension of remarks of Rep. Vursell reporting to the farmers in his district as to the activities of the Congress of interest to them. pp. A7562-3  
Rep. Coad inserted a letter to the editor, "Production Balance for Farm Ills," and stated that "it is a very clear and understandable statement of what we must expect under the recently passed farm bill." p. A7580  
Rep. Hoblitzell commended and inserted an article "which points out the change in political fashion of farm legislation." p. A7591
25. MINERALS. Rep. Metcalf inserted 2 telegrams in support of S. 4036, the proposed minerals stabilization bill. pp. A7506-7, A7535  
Speech in the House of Rep. Boggs in support of this proposed legislation. p. A7606
26. MEATPACKERS. Rep. Dixon stated that S. 1356, to transfer certain functions under the Packers and Stockyards Act, is superior to H. R. 9020 and should be adopted in conference, and inserted an article on this subject. p. A7508
27. FOOD PRICES. Rep. Hagen inserted an article discussing the spread between the prices paid to farmers for farm products and those paid by the housewife in the market place. p. A7512
28. SALINE WATER. Sen. Yarborough inserted a Brownsville, Tex. resolution urging that one of the saline water research program plants be located at Brownsville. p. A7516
29. SOIL BANK. Sen. Sparkman inserted two editorials stating that the soil bank was not a long-range solution nor permanent program to deal with farm problems. p. A7590
30. NATURAL RESOURCES. Sen. Neuberger inserted an article discussing the problem of forest and rangeland fires in Alaska. pp. A7595-7



# LUMP-SUM PAYMENT FOR ACCRUED ANNUAL LEAVE OF DECEASED EMPLOYEES—CONFERENCE REPORT

Mr. JOHNSTON of South Carolina. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7710) to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7710) entitled "An act to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the Senate recede from its amendment numbered 1.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

In Senate amendment numbered 2 as set forth in the Senate engrossed amendments strike out "SEC. 3." and insert in lieu thereof "SEC. 2."

And the Senate agree to the same.

OLIN D. JOHNSTON,  
DICK NEUBERGER,  
RALPH YARBOROUGH,  
THOMAS E. MARTIN,  
THRUSTON B. MORTON,

*Managers on the Part of the Senate.*

TOM MURRAY,  
JAMES H. MORRISON,  
EDWARD H. REES,

*Managers on the Part of the House.*

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JOHNSTON of South Carolina. Mr. President, the conference agreement on this bill is completely satisfactory to both Houses. The House has accepted section 3 of the bill which is a Senate amendment and the Senate has agreed to striking out section 2 of the bill because identical language is contained in another measure now awaiting approval in the House. The Senate has been assured that action will be taken on the bill pending in the House, so no purpose would be served by retention of the same provision in H. R. 7710.

The PRESIDING OFFICER (Mr. BEALL in the chair). The question is on agreeing to the conference report.

The report was agreed to.

# ADDITIONAL JUDGE FOR JUDICIAL COURT OF DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. CLARK. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Sen-

ate to the bill (H. R. 7785) to provide for the appointment of an additional judge for the Juvenile Court of the District of Columbia. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) to provide for the appointment of an additional judge for the Juvenile Court of the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered (1), (2), (3), (4), and (5).

JOSEPH S. CLARK,  
ALAN BIBLE,  
JACOB K. JAVITS,

*Managers on the Part of the Senate.*

THOMAS G. ABERNETHY,  
JOHN DOWDY,  
JOSEPH P. O'HARA,  
JOHN J. ALLEN, Jr.,

*Managers on the Part of the House.*

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. CLARK. Mr. President, as the present occupant of the chair [Mr. BEALL] knows, it is of the greatest importance that there be an additional judge in the Juvenile Court of the District of Columbia. In order to obtain that additional judge it was necessary for the Senate conferees to recede from three amendments to the House bill. The Senate conferees were unanimous in their view that they should recede, and I ask for approval of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

# LOAN OF CAPTION FILMS FOR THE DEAF

Mr. HILL. Mr. President, on August 26 of last year, the Senate passed S. 1889, providing in the Department of Health, Education, and Welfare, a loan service of caption films for the deaf. This bill was referred to the House Committee on Education and Labor which considered this legislation this year and after amending the bill in two respects, namely; by authorizing an appropriation not to exceed \$250,000 and by striking out the "Advisory Council," favorably reported the bill under House number H. R. 13678 to the House. The House, on August 15, 1958, passed this bill without further amendment.

Mr. President, the House bill, H. R. 13678, is now at the President's desk. I ask the Chair to lay the House bill before the Senate and I ask unanimous consent for the immediate consideration of H. R. 13678.

The PRESIDING OFFICER laid before the Senate a bill coming over from

the House of Representatives, (H. R. 13678) to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf, which was read twice by title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

# CARL EBERT AND HIS WIFE, GERTRUDE EBERT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3276) for the relief of Carl Ebert and his wife, Gertrude Ebert, which was, to strike out all after the enacting clause and insert:

That section 352 (a) of the Immigration and Nationality Act shall be held to have been and to be inapplicable to Carl Ebert and his wife, Gertrude Ebert: *Provided*, That they return to the United States to reside within 3 years following the date of the enactment of this act.

Mr. JOHNSON of Texas. Mr. President, on June 23, 1958, the Senate passed S. 3276, to permit 2 naturalized United States citizens to remain in Germany, the country of their birth, for 3 years following the date of enactment of the act without losing their United States citizenship by protracted residence abroad.

On August 19 the House of Representatives passed S. 3276, with a technical amendment which does not change the original intent of the bill as passed by the Senate.

I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON].

The motion was agreed to.

# VICENTA GARCIA Y PUENTE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3818) for the relief of Vicenta Garcia y Puente, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Vicenta Garcia y Puente. From and after the date of the enactment of this act, the said Vicenta Garcia y Puente shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrant and orders have issued.

Mr. JOHNSON of Texas. Mr. President, on August 11, 1958, the Senate passed S. 3818, to grant the status of permanent residence in the United States to the beneficiary, who is an elderly widow residing in the United States with her children.

On August 19, 1958, the House of Representatives passed S. 3818, with an



amendment to merely cancel outstanding deportation proceedings.

The amendment is acceptable, and I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON of South Carolina in the chair). The Clerk will call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR CONVENING TOMORROW MORNING AT 9:30

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, it convene at 9:30 o'clock a. m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOTICE OF LATE SESSION TOMORROW AND POSSIBLE SINE DIE ADJOURNMENT ON SATURDAY NIGHT

Mr. JOHNSON of Texas. Mr. President, I wish to give notice that we expect to have a very late session tomorrow evening and that we shall make every effort to adjourn sine die by Saturday night.

I should like to have the very faithful members of the staff to be informed that we will have two more very trying days, and we may have to work around the clock. However, we have some very important proposed legislation which must be acted on.

Mr. President—

The PRESIDING OFFICER. The Senator from Texas has the floor.

#### EXTENSION OF RENEGOTIATION ACT OF 1951

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 2544, H. R. 11749, to extend the Renegotiation Act of 1951 for 6 months, and for other purposes. I give notice now that if the motion is agreed to, I do not intend to have any action taken on the bill tonight.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 11749) to extend the Renegotiation Act of 1951 for 6 months, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

#### LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. I wish to give notice of the possibility that the bill dealing with the Railroad Retirement Act will be offered as an amendment to the pending bill. I wish Senators to be on notice that, while that has not definitely been determined, it is likely before we conclude consideration of H. R. 11749, to extend the Renegotiation Act, an amendment will be offered to it incorporating the substance of the railroad retirement bill reported by the senior Senator from Oregon [Mr. MORSE].

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. MORSE. Does the Senator mean S. 2020 or S. 1313? There are two. S. 2020 is the technical bill.

Mr. JOHNSON of Texas. I have reference to Calendar 2428, S. 1313, to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act and the Railroad Unemployment Insurance Act so as to provide increases in benefits and for other purposes.

The Senator from Nebraska [Mr. CURTIS] and the Senator from New Jersey [Mr. SMITH] wish to be informed about it. I refer to calendar 2428, S. 1313. I do not know that that amendment will be offered, but there is a possibility of it. I shall give the minority leadership such information ahead of time as I can, although any Senator has the right to offer an amendment to any bill.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. CURTIS. To what bill would the Railroad Retirement Act be offered as an amendment?

Mr. JOHNSON of Texas. To calendar 2544, H. R. 11749, to extend the Renegotiation Act, which is a House bill.

I shall be very glad to enter into a unanimous-consent agreement to limit debate of the pending bill if Senators are disposed to do so.

One of the reasons for coming in early tomorrow morning is that I hope we will be able to dispose of the Renegotiation Act extension, the mutual security appropriation bill, the bill increasing the public debt limit, the conference report on S. 3420, dealing with Public Law 480, and the other appropriation bills, so that we may adjourn sine die on Saturday night.

With the fine cooperation I have received this week from every Member of the Senate, I have no doubt that we will be able to do it.

#### FINANCIAL CONDITION OF THE RAILROADS

Mr. JENNER. Mr. President, last Saturday, when this body had under consideration the social security amendments of 1958, the senior Senator from Oregon sent to the desk, as an amendment to that proposed legislation, S. 1313, which would amend the Railroad Retirement Act, the Railroad Retirement Tax Act

and the Railroad Unemployment Insurance Act so as to provide increases in benefits and for other purposes. At that time he made certain comments regarding the history of S. 1313 and what he referred to as the "subsidy" or "hand-out" granted the railroads under the recently enacted legislation commonly referred to as the Smathers bill. I shall address myself to those comments.

The senior Senator from Oregon indicated in his statement that the Senate should vote on S. 1313 because in 1956 Congress had passed legislation which had to do with railroad retirement but had failed to provide funds to take care of the deficit in the railroad retirement fund which resulted from the passage of that legislation, that it was understood that at the next session of Congress legislation would be passed which would take care of that deficit, and to carry out that obligation the Senate should now consider the pending measure S. 1313.

It is true that in 1956 Congress passed legislation which granted a 10-percent increase in the annuities provided for under the railroad retirement system. No increased taxes to pay the cost of those benefits were provided in that bill. The railroads opposed the increased benefits in 1956. Notwithstanding this opposition, representatives of the railroad industry appeared in hearings on S. 1313 before the Railroad Retirement Subcommittee of the Senate Labor Committee in the spring of 1957 and stated that in the event the standard railway labor organizations had sponsored a bill in the 85th Congress only for the purpose of paying the cost of the 10 percent increased benefits the carriers would not have opposed such a proposal. In other words, if all S. 1313 had done was to pay off the deficit resulting from the 1956 legislation, the railroads would never have appeared regarding the bill. However, S. 1313 in the form introduced and also in the form reported by the Senate Committee on Labor and Public Welfare is a far cry from a bill aimed at merely financing the 10-percent increase in benefits provided for 2 years ago. With respect to the railroad retirement system the bill would provide a 10-percent increase in retirement benefits over and above the 10 percent granted in 1956; it would provide an increase in the taxable compensation base from \$350 to \$400 a month and an increase in the rate of tax from 6¼ percent to 9 percent each for employees and employers and thus raise retirement taxes paid by the railroads by more than \$175 million a year.

In regard to the unemployment system S. 1313 would provide increased and extended unemployment and sickness benefits for railroad employees; it would fix the practical minimum weekly benefit at a level above the maximum weekly benefit under all but a very few State unemployment systems; it would permit individual beneficiaries to draw several thousand dollars in benefits for one period of unemployment; it would in-







LUMP-SUM PAYMENT OF ANNUAL LEAVE OF DECEASED  
EMPLOYEES AND OTHER MATTERS

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AUGUST 22, 1958.—Ordered to be printed

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Mr. MURRAY, from the committee of conference, submitted the  
following

CONFERENCE REPORT

[To accompany H. R. 7710]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7710) entitled "An act to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1:

That the Senate recede from its amendment numbered 1.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In Senate amendment numbered 2 as set forth in the Senate engrossed amendments strike out "SEC. 3." and insert in lieu thereof *SEC. 2.*; and the Senate agree to the same.

TOM MURRAY,  
JAMES H. MORRISON,  
EDWARD H. REES,  
*Managers on the Part of the House.*

OLIN D. JOHNSTON,  
DICK NEUBERGER,  
RALPH YARBOROUGH,  
THOS. E. MARTIN,  
THRUSTON B. MORTON,  
*Managers on the Part of the Senate.*



## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7710) entitled "An act to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment postponed to May 1, 1959, the effective date of the increased "odd size" penalty rate on mailings provided by the Postal Rate Increase Act, 1958, in order to prevent undue financial hardship on certain businesses, particularly the seed and nursery businesses, which had previously received or ordered large supplies of "odd size" catalogs. This amendment is eliminated for the reason that this matter is covered by other legislation. The Senate recedes.

Amendment No. 2: This amendment provides that any employee in the legislative branch of the Federal Government, whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives and who has completed 2 or more years of service as an employee of the type described above, may, upon his appointment to a position to which the Postal Field Service Compensation Act of 1955 applies, have his initial rate of compensation fixed at the minimum rate of the appropriate level of the applicable basic salary schedule or at any step of that level which does not exceed the highest previous rate of compensation received by him during service as a legislative employee as described above. This amendment corrects an omission in a similar provision contained in section 4 of the act of May 29, 1958 (72 Stat. 151; Public Law 85-432), by covering those cases involving the appointment of certain legislative employees to positions in the postal field service. The House recedes with a technical amendment which redesignates a section number.

TOM MURRAY,  
JAMES H. MORRISON,  
EDWARD H. REES,

*Managers on the Part of the House.*

"The conferees are also aware of the problem having to do with the exporting of wheat from Canada and other friendly nations. Accordingly, it has directed the Secretary to endeavor to cooperate with these countries with respect to commodities governed by formal, multilateral international marketing agreements to which the United States is a party. As a practical thing, the international wheat agreements are the only ones affected by this language and even though it might temporarily reduce by some 40 percent the ability of the United States to dispose of wheat through barter, it was the sense of the conferees that mutually agreeable plans should be worked out with Canada and other signatories of appropriate agreements.

"Furthermore, the conferees have recognized the economic and security factors in accepting domestically processed materials in lieu of ore. While the present law is silent on the subject, for a long time barter contracts were made for domestically processed materials. For some reason this program was stopped. It was the sense of the conferees that American labor and management should be permitted to participate in the barter program. Accordingly the bill specifically authorizes the Secretary to permit the processing of foreign ores by domestic processors. The House provision that alloys produced from domestic ores could be taken was eliminated from the bill.

"As we have stated above, the substantive changes in the law, while significant, are not nearly as significant as the fundamental fact that the Congress has felt it necessary to enact legislation to require performance of a program which it has previously established by law. This bill is designed to reinstate a barter program of at least the magnitude followed prior to the restrictive regulations issued by the Secretary of Agriculture. Not only will the assets and resources of our country be improved through this program, but there will be substantial savings in storage and depreciation costs, and the value of the materials taken in exchange for the commodities will increase as world supplies diminish."

2. DISASTER LOANS. Passed with amendment S. 304, to provide for a specific contribution by State governments to the cost of feed or seed furnished to farmers, ranchers, or stockmen in disaster areas. Rep. Cooley explained that as passed by the Senate the bill "provided that the States' participation would be to the extent of not less than 25 percent or more than 50 percent" and that the bill as amended by the House "provides that the participation shall be not in excess of 10 per centum, as the Secretary of Agriculture shall determine to be equitable of that part of the cost, including transportation of such feed or seed which is not paid by the recipients thereof." p. 17679

3. APPROPRIATIONS. Passed under suspension of the rules H. R. 13856, the independent offices appropriation bill for 1959. The bill deletes the \$589 million item for the civil service retirement fund to which the President objected when he vetoed the original appropriation bill for these agencies. The bill was reported earlier in the day by the Appropriations Committee (H. Rept. 2689). pp. 17631, 17634-6, 17715

Received the conference report on H. R. 13489, the military construction appropriation bill for 1959 (H. Rept. 2699). pp. 17666-7, 17715

4. PERSONNEL. Agreed to the conference report on S. 1411, to give agencies discretion in suspending or retaining on duty Federal employees prior to security hearings. (pp. 17636-7) See Digest 146 for provisions of this bill.

Both Houses received and agreed to the conference report on S. 25, to specify the effective date upon which changes in pay of wage-board employees shall begin following the start of a survey (H. Rept. 2691). (pp. 17590, 17637-8, 17715) This bill will now be sent to the President.

Agreed to the conference report on H.R. 7710, to provide for the lump-sum payment of all accumulated and accrued leave of certain deceased employees. (pp. 17638-9) This bill will now be sent to the President.



5. RESEARCH. Passed under suspension of the rules S. 4039, to authorize the head of any Government agency now making contracts for research to grant funds for the support of such research. (pp. 17656-7) The Senate later concurred in the House amendments to this bill. (p. 17599) This bill will now be sent to the President.
6. TEXTILE LABELING. Both Houses received and agreed to the conference report on H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products (H. Rept. 2695). (pp. 17589-90, 17680-1, 17715) This bill will now be sent to the President.
7. LIVESTOCK DISEASES. Concurred in the Senate amendments to H. R. 12126, to extend to wild animals the same prohibition against entry into the U. S. as domestic animals from any country where rinderpest or foot-and-mouth disease exists. (p. 17685) This bill will now be sent to the President.
8. GRAZING PERMITS. Rep. Dingell stated that he objected to enactment of S. 3754, to permit the exchange of lands between Interior and the Navajo Indians, because of a provision in the bill providing for the compensation of owners of grazing permits on public land for the termination of their permits. p. 17696
9. SURPLUS COMMODITIES. Received from this Department the annual report of the Secretary on the orderly liquidation of commodities held by CCC and on programs to expand agricultural markets, pursuant to Public Law 540, 84th Congress. p. 17715
10. LEGISLATIVE PROGRAM. Rep. Albert announced that the Consent Calendar and Private Calendar would be called Sat., Aug. 23. p. 17685

SENATE - August 22

11. MEATPACKERS. Passed without amendment H. R. 9020, to transfer certain functions under the Packers and Stockyards Act from this Department to the Federal Trade Commission. (pp. 17599-600) This bill will now be sent to the President.
12. AREA REDEVELOPMENT. Concurred in the House amendments to S. 3683, to establish a program to alleviate conditions of substantial unemployment or underemployment in certain economically depressed areas. This bill will now be sent to the President. pp. 17601-4

Sen. Douglas explained the House amendments as follows: "The major amendments of the House were as follows:

"First, the House in accordance with its general insistence upon keeping the added check of the appropriation procedure upon such financing programs, amended the proposed industrial and rural area loan funds to an authorization for appropriations for funds for such loans;

"Second, the House deleted the Senate provision (sec. 7) for a \$100 million loan fund for public facilities to aid in attracting private enterprises to these areas;

"Third, the House deleted a Senate provision (sec. 17) for the payment of retraining payments to persons not entitled to unemployment compensation, who are receiving training for a new job.

"Other changes made by the House included: (a) a prohibition against any public facility grant that would compete with an existing private utility; (b) a requirement that each recipient of assistance keep prescribed records, subject to review by the Commissioner and the Comptroller General; (c) a revision of the wording in the provision in respect to plant relocation; (d)



formed the basic language of this legislation and which, together with amendments sponsored by Mr. REES, presents the bill in the form in which it is now before the House—that is, except for the time limitation of June 30, 1959.

The SPEAKER. The question is on the conference report.

Mr. WIER. Mr. Speaker, I want to inquire of the gentleman from Tennessee, is this the same bill that was passed putting all Federal employees under the so-called security program?

Mr. MURRAY. That is correct.

Mr. WIER. That is the bill S. 1614?

Mr. MURRAY. No, sir; it is S. 1411.

Mr. WIER. Are there any changes made?

Mr. MURRAY. There were no changes made in the bill as it passed the House except the conferees agreed that this would expire June 30 of next year instead of making it permanent.

Mr. WIER. Mr. Speaker, I want to raise my voice in opposition, anyway.

Mr. PORTER. Mr. Speaker, I hardly expect any words of mine at this hour of the 85th Congress to change a majority of the House with respect to S. 1411. However, I do want the record clear. This is a bad bill. It will not strengthen the security program of the Federal Government. There is no crying need for it, no emergency, no urgency. The administration does not want it enacted. It had no hearings at all in the other body. Why put this on the statute books? Why not wait until comprehensive hearings can be held next year and then enact a program?

If enacted, this bill will mean that our intelligence agencies will have to investigate millions of persons in non-security positions. This will decrease their ability to investigate where investigation is really needed.

It will mean that each of the 65 agency heads becomes a law unto himself. He can use anything as the basis for dismissal on security grounds. He can throw everybody out and start again. Due process of law is not required. There are no standards, no criteria, no fair procedures. This being true, how can any effective review be made? And what does the Civil Service Commission know about appellate procedures and does it have time for this duty? It was my amendment adopted in committee that made the Civil Service Commission decision mandatory instead of merely advisory, a small improvement in that it allows us to hold the Civil Service Commission responsible for the final decision in each case appealed.

However, very few will appeal. What is the use? If the agency head calls you a security risk, you have had it, brother. Make no mistake about it. If you resist, you call attention to the charge and that would not help you when you try to make a living outside Government service. A person's reputation for loyalty or security deserves the protection of fair procedures, whether he works in or outside of the Government. This bill needlessly and recklessly denies Government workers that protection. The conference report should be rejected.

Mr. DENNISON. Mr. Speaker, as the Members know, I have had serious doubts as to the need for this measure, S. 1411. The hearings on this bill and the debate on the floor show that my interest has always been to secure full hearings before the House Post Office and Civil Service Committee as soon as possible so that a proper study can be made of all existing loyalty-security law, as well as of all proposed changes. When, several weeks ago, during the course of the general debate on this bill, the distinguished Chairman of the Committee, Mr. MURRAY, stated on the floor that this was stop-gap legislation and promised to hold hearings after the first of the year on the Wright Commission recommendations, I withdrew my objections and reluctantly lent my support to the measure. Of course the additional relief by way of appeal to persons subject to the law gave added virtue to the bill. I am pleased, therefore, that the conferees have agreed on a termination date of June 30, 1959 for the amendments contained in the bill and that the Chairman on the floor today has reiterated his pledge to hold hearings on a Government security program soon. This augurs well for a reconsideration of this entire field in the 86th Congress.

Mr. Speaker, I earnestly hope that when hearings do begin next year that full consideration will be given to a review of the entire loyalty security program and that reasonable and fair measures for the protection of our country can be adopted without sacrificing the legitimate and historical rights and privileges of private citizens who serve their Nation as Federal employees.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that I may extend my remarks at this point in the Record and that any other Members who desire to do so may have the same privilege.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### EFFECTIVE DATES OF COMPENSATION INCREASES FOR WAGE BOARD EMPLOYEES

Mr. MURRAY submitted the following conference report and statement on the bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees:

##### CONFERENCE REPORT (H. REPT. No. 2691)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 25) entitled "An Act relating to effective dates of increases in compensation granted to wage board employees", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following

changes: On page 2, lines 1 and 2 of the House engrossed amendment, strike out "formal collection of data for such wage survey is begun" and insert in lieu thereof, "such wage survey was ordered to be made"; and

On page 4, lines 7 and 8 of the House engrossed amendment, strike out "for which the formal collection of data is begun prior to September 1, 1958" and insert in lieu thereof "which was ordered, prior to September 1, 1958, to be made".

And the House agree to the same.

TOM MURRAY,  
JAMES H. MORRISON,  
JAMES C. DAVIS,  
EDWARD H. REES,  
ROBERT J. CORBETT,

*Managers on the Part of the House.*

OLIN D. JOHNSTON,  
DICK NEUBERGER,  
RALPH YARBOROUGH,  
THOS. E. MARTIN,  
THRUSTON B. MORTON,

*Managers on the Part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 25) entitled "An Act relating to effective dates of increases in compensation granted to wage board employees," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all after the enacting clause and inserted a substitute text.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment which makes two changes in the House amendment which are discussed below and that the House agree to the same.

The two changes are as follows:

First, the conference agreement provides that the effective date for an increase in compensation pursuant to a wage survey is the first day of the first pay period which begins on or after the forty-fifth day, excluding Saturdays and Sundays, following the date on which the wage survey was ordered to be made (rather than the date on which formal collection of data for the wage survey is begun, as provided by the House amendment).

In making this change with respect to the effective date of an increase in compensation pursuant to a wage survey, it is the intent of the committee of conference that the words "the date on which such wage survey was ordered to be made" mean that date on which the appropriate authority specifically authorizes or orders that the collection of data for wage determination purposes be commenced. It is not the intent of the committee that the above-quoted words be construed to mean, or to include in any way, any date on which those administrative functions, activities, preliminary work, or other preparatory steps, which are preliminary or necessary to the issuance of such authorization or order, are being carried on or are authorized or ordered to be carried on. Further it is not the intent of the committee that the above-quoted words shall be construed to mean, or to include in any way, any date on which it is authorized or ordered that a wage survey or surveys is or are generally necessary.

Second, the conference substitute makes a change in section 4, pertaining to the applicability of the provisions of the conference substitute, in conformity with the first change made by the conference substitute.

It should be noted that, in connection with supplemental surveys, it is the inten-



tion of the committee of conference that, when a department or agency uses incomplete wage data collected in the normal course of business by the Bureau of Labor Statistics, the Bureau of Census, or other duly constituted and authorized data collecting agency of the Federal Government, and supplements such incomplete data with a wage survey of its own in a determination of wage adjustments, the provisions of paragraph (1) of the first section of the conference substitute shall apply.

TOM MURRAY,  
JAMES H. MORRISON,  
JAMES C. DAVIS,  
EDWARD H. REES,  
ROBERT J. CORBETT,

*Managers on the Part of the House.*

#### LUMP-SUM PAYMENT OF ANNUAL LEAVE OF DECEASED EMPLOYEES AND OTHER MATTERS

Mr. MURRAY submitted the following conference report and statement on the bill (H. R. 7710) to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees:

##### CONFERENCE REPORT (H. REPT. No. 2692)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7710) entitled "An act to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the Senate recede from its amendment numbered 1.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

In Senate amendment numbered 2 as set forth in the Senate engrossed amendments strike out "Sec. 3." and insert in lieu thereof "Sec. 2."

And the Senate agree to the same.

TOM MURRAY,  
JAMES H. MORRISON,  
EDWARD H. REES,

*Managers on the Part of the House.*

OLIN D. JOHNSTON,  
DICK NEUBERGER,  
RALPH YARBOROUGH,  
THOS. E. MARTIN,

THRUSTON B. MORTON,  
*Managers on the Part of the Senate.*

##### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7710) entitled "An Act to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees", submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment postponed to May 1, 1959, the effective date of the increased "odd-size" penalty rate on mailings provided by the Postal Rate Increase Act, 1958, in order to prevent undue financial hardship on certain businesses, particularly the seed and nursery businesses which had previously received or ordered large supplies of "odd-size" catalogs. This amendment is eliminated for the reason that this matter is covered by other legislation. The Senate recedes.

Amendment No. 2: This amendment provides that any employee in the legislative branch of the Federal Government, whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives and who has completed two or more years of service as an employee of the type described above, may, upon his appointment to a position to which the Postal Field Service Compensation Act of 1955 applies, have his initial rate of compensation fixed at the minimum rate of the appropriate level of the applicable basic salary schedule or at any step of that level which does not exceed the highest previous rate of compensation received by him during service as a legislative employee as described above. This amendment corrects an omission in a similar provision contained in section 4 of the Act of May 29, 1958 (72 Stat. 151; Public Law 85-432) by covering those cases involving the appointment of certain legislative employees to positions in the postal field service. The House recedes with a technical amendment which redesignates a section number.

TOM MURRAY,  
JAMES H. MORRISON,  
EDWARD H. REES,

*Managers on the Part of the House.*

#### EFFECTIVE DATES OF COMPENSATION INCREASES FOR WAGE BOARD EMPLOYEES

Mr. MURRAY. Mr. Speaker, I call up the conference report on the bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

Mr. MURRAY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

(Mr. MURRAY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MURRAY. Mr. Speaker, the provisions of bill S. 25 as presented in the conference report are the same as the provisions which were passed by the House except that the conference agreed to a minor change in the date on which the 45 days allowed for conducting a survey and issuing a new schedule of wage rates begins. The House version provided that this period begin on the date on which the actual data collection was commenced. The conference agreement provides that this date is the date on which a responsible official of the department or agency either authorizes or orders the collection of data.

The effective date provided by the House was also changed so as to bring it into conformity with this first change.

While there were no changes in the basic principles of the bill as approved by the House, a summary of the provisions may be in order for the purpose of refreshing the minds of the Members.

Under previous procedures and operations, a period of from 3 to 6 months was involved in the collection of data, the analysis of data, and the establishment of a new wage scale under wage board procedures. This unreasonable length of time resulted in the some 750,000 wage board employees receiving wage increases some 8 to 10 months after similar increases were granted to private industry. Bill S. 25 sets an effective date for the wage increases so as to eliminate this undue delay.

The bill provides that when an agency conducts its own wage surveys, any increases resulting therefrom shall be effective not more than 45 days after the collection of the necessary wage data is authorized or ordered. When the agency uses data collected by another department or agency, such increases are to be effective 20 days after the agency receives the necessary data. Testimony in hearings and discussions with officials of the executive branch indicate that these 45- and 20-day periods are reasonable and can be met if operations are well planned and effectively carried on.

The bill also provides that retroactive increases shall be granted only to the employees on the payroll on the effective date of the increase or to those employees who have retired during any retroactive period and to the estate of those employees who died during such retroactive period. This provision is comparable to the provisions which the Congress wrote into the recently enacted pay raise legislation.

The bill also provides that any change in the face value of the Federal group life insurance policies resulting from wage increases shall be effective on the date of issuance of the order granting such increases or the effective date of such increase, whichever occurs later. This provision is also similar to the provision written into recently enacted pay legislation and prevents undue administrative difficulties which would result from a retroactive reevaluation of the policies.

The bill provides that it shall not apply to any increases in rates granted pursuant to a wage survey, the data collection for which was ordered prior to September 1, 1958.

I sincerely believe that the provisions of the bill as reported by the committee of conference are reasonable, workable, and to the interest of both the Government and the employees.

#### LUMP-SUM PAYMENT OF ANNUAL LEAVE OF DECEASED EMPLOYEES AND OTHER MATTERS

Mr. MURRAY. Mr. Speaker, I call up the conference report on the bill (H. R. 7710) to provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.



The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman take some time to explain this bill.

Mr. MURRAY. I shall be glad to.

Mr. Speaker, the House-passed bill authorized lump-sum payment for accumulated annual leave up to 45 days for overseas employees. These employees presently may accumulate 45 days of annual leave, but in event of death or resignation lump sum payments for unused leave are limited to 30 days.

The second Senate amendment adds a section 3 to the bill, providing that an employee who transfers from the legislative branch to the postal field service may receive compensation at any step-rate in the appropriate postal field service salary level which is not higher than his highest legislative employee salary. This will place transfers from the legislative branch to the postal field service on an equal basis with provisions, already made by law, relating to salary rates payable to employees who transfer from the legislative branch to the classified service, employees who transfer from the postal to the classified service, and employees who transfer between positions in the classified service or who are reinstated in the classified service.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### NATIONAL CULTURAL CENTER

Mr. JONES of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3335) to provide for a National Cultural Center which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia, as amended.

The Clerk read as follows:

*Be it enacted, etc.—*

SECTION 1. This act may be cited as the "National Cultural Center Act."

##### BOARD OF TRUSTEES

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Cultural Center (hereafter in this act referred to as the "Board"), whose duty it shall be to maintain and administer the National Cultural Center and site thereof and to execute such other functions as are vested in the Board by this act. The board shall be composed as follows: The Secretary of Health, Education, and Welfare, the Librarian of Congress, the Assistant Secretary of State for Public Affairs, the Chairman of the Commission of Fine Arts, the President of the Board of Commissioners of the District of Columbia, the Chairman of the District of Columbia Recreation Board, the Director of the National Park Service, the Commissioner of the United States Office of Education, the Secretary of the Smithsonian Institution, 3 Members of the Senate appointed by the President and 3 Members of the House of Representatives appointed by the Speaker of the House of Representatives

ex officio; and 15 general trustees, who shall be citizens of the United States, to be chosen as hereinafter provided.

(b) The general trustees shall be appointed by the President of the United States and the members of the first Board shall have terms expiring 3 at the end of 2 years, 3 at the end of 4 years, 3 at the end of 6 years, 3 at the end of 8 years, and 3 at the end of 10 years, after the date of enactment of this act. The term of office of each member of the Board subsequently appointed shall be 10 years except that a successor appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed only for the remainder of such term.

(c) There shall be an Advisory Committee on the Arts composed of such members as the President may designate, to serve at the pleasure of the President. Persons appointed to the Advisory Committee on the Arts, including officers or employees of the United States, shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the National Cultural Center. The President shall designate the Chairman of the Advisory Committee on the Arts. In making such appointments the President shall give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in the appropriate art fields. The Advisory Committee on the Arts shall advise and consult with the Board and make recommendations to the Board regarding existing and prospective cultural activities to be carried on in the National Cultural Center. The Advisory Committee on the Arts shall assist the Board in carrying out section 5 (a) of this act. Members of the Advisory Committee on the Arts shall serve without compensation, but each member of such Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such Committee.

##### NATIONAL CULTURAL CENTER

SEC. 3. The Board shall construct for the Smithsonian Institution, with funds raised by voluntary contributions, a building to be designated as the National Cultural Center on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south, Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the National Cultural Center and related facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

##### DUTIES OF THE BOARD

SEC. 4. The Board shall—

(1) present classical and contemporary music, opera, drama, dance, and poetry from this and other countries,

(2) present lectures and other programs,

(3) develop programs for children and youth and the elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation, and

(4) provide facilities for other civic activities at the Cultural Center.

##### POWERS OF THE BOARD

SEC. 5. (a) The Board is authorized to solicit and accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the National Cultural Center.

Unless otherwise restricted by the terms of the gift, bequest, or devise, the Board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the National Cultural Center. The income as and when collected shall be placed in such depositories as the Board shall determine and shall be subject to expenditure by the Board.

(b) The Board shall appoint and fix the compensation and duties of a director, an assistant director, and a secretary of the National Cultural Center and of such other officers and employees of the National Cultural Center as may be necessary for the efficient administration of the functions of the Board. The director, assistant director, and secretary shall be well qualified by experience and training to perform the duties of their office.

(c) The actions of the Board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

##### ADMINISTRATION

SEC. 6. (a) The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. The Board may function notwithstanding vacancies, and eight members of the Board shall constitute a quorum for the transaction of business.

(b) The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

(c) The Board shall submit to the Smithsonian Institution an annual report of its operations under this act, including a detailed statement of all public and private moneys received and disbursed by it.

##### TERMINATION

SEC. 7. (a) This act shall cease to be effective, and all offices created by this act and all appointments made under this act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the National Cultural Center have been received by the Trustees of the National Cultural Center within 5 years after the date of enactment of this act.

(b) If the offices of Trustees of the National Cultural Center terminate under the provisions of subsection (a), all funds and property (real and personal) accepted by the Trustees of the National Cultural Center under section 5 (a), and income therefrom, shall vest in the Board of Regents of the Smithsonian Institution and shall be used by the Board of Regents of the Smithsonian Institution to carry out the purposes of the act entitled "An act to provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution," approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such act.

The SPEAKER. Is a second demanded?

Mr. MACK of Washington. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.



## CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. JONES of Alabama. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 190]

Anfuso	Frelinghuysen	McCulloch
Ashley	Friedel	Macdonald
Avery	George	Mason
Barden	Glenn	Miller, Calif.
Baring	Gordon	Miller, N. Y.
Bass, N. H.	Gregory	Mitchell
Baumhart	Griffiths	Morrison
Beamer	Hale	Moulder
Belcher	Hardy	Mumma
Bentley	Harrison, Nebr.	Osmers
Berry	Hays, Ark.	Philbin
Blitch	Healey	Pilcher
Boykin	Hébert	Powell
Brooks, La.	Henderson	Preston
Brownson	Herlong	Prouty
Buckley	Hess	Radwan
Burdick	Hill	Rivers
Christopher	Hillings	Robeson, Va.
Clevenger	Hoffman	Roosevelt
Coffin	Horan	Santangelo
Collier	Hosmer	Saylor
Colmer	Ikard	Scherer
Coudert	James	Scott, Pa.
Cunningham, Nebr.	Jenkins	Sheehan
Davis, Tenn.	Jensen	Shuford
Derounian	Johnson	Spence
Dies	Jones, Mo.	Taylor
Diggs	Kean	Teague, Tex.
Dixon	Kearney	Thompson, La.
Doyle	Kilburn	Van Zandt
Durham	Krueger	Wainwright
Eberharter	Landrum	Williams, N. Y.
Engle	Latham	Winstead
Farbstein	LeCompte	Young
	McCormack	Zelenko

The SPEAKER pro tempore (Mr. BOLAND in the chair). On this rollcall 321 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## NATIONAL CULTURAL CENTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama [Mr. JONES].

Mr. JONES of Alabama. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, enactment of the bill S. 3335 during this session of Congress has been specifically requested by the President of the United States. The bill has been endorsed by the Department of Interior, the Bureau of the Budget, the Board of Commissioners for the District of Columbia and the Commission on Fine Arts. It was passed in the other body by an overwhelming vote. Your House Committee on Public Works, after open hearings and committee discussion, recommends the bill to you with an amendment which is acceptable to its sponsors.

This legislation is designed to fill a long-felt deficiency in our Capital City. As President Eisenhower pointed out in his letter of August 1 to Chairman BUCKLEY:

There has long been a need for more adequate facilities in the Nation's Capital for the presentation of the performing arts. An auditorium and other facilities such as

are provided for in (this) pending legislation, established and supported by contributions from the public, would be a center of which the entire Nation could be proud. I hope that the Congress will complete action on this legislation during this session.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Yes, I will gladly yield to the distinguished gentleman from Virginia.

Mr. SMITH of Virginia. I just wonder why there should be opposition to this bill. It does not cost the Government any money. They are going to have a magnificent structure here. The money is going to be raised by voluntary contribution and they will have a magnificent building here for the performing arts. It is very badly needed, and we get it free, and the only reason I can see why anybody would object to this bill is because it does not cost the Government any money.

Mr. WRIGHT. I certainly concur in what my colleague has said.

The bill would permit the construction, here in Washington, of a national cultural center. It would be financed—not by the Government—but by private funds donated by the public. The site would be provided by the United States, and this would be the only Federal expense involved. The committee amendment which we are recommending would require that, if sufficient funds for the erection of this center shall not have been raised from the public and received by the trustees within 5 years after enactment of this law, the act shall cease to be effective and the land be returned to the United States.

Alone among the major capitals of the world, Washington has no facilities suitable for the presentation of grand opera. There is no building in Washington which can accommodate the requirements of the more elaborate theatrical, ballet, and orchestral presentations which have enriched the lives and expanded the cultural horizons of the citizens of many much smaller cities both here in the United States and the world over. American musical and theatrical companies play to enthusiastic overflow audiences in capitals throughout the world. Yet neither these American companies nor their counterparts from other lands can be invited to perform in Washington because we have here no appropriate accommodation for them.

This bill would establish within the Smithsonian Institution a Board of Trustees for the National Cultural Center. The Board would be composed of 15 specified Federal officials and 15 general trustees appointed by the President. It would be the duty of the Board to supervise and oversee the construction of the Center with privately donated funds, to maintain and administer it, and to present programs of the performing arts—opera, popular musicals, ballet, and folk dancing, plays, lectures, and public meetings of all sorts. There also would be established an Advisory Committee on the Arts, selected by the President, to advise and consult with the Board and recommend appropriate activities to be conducted in the Center.

The site proposed for the building is in what is known as Foggy Bottom almost due north of the Lincoln Memorial, in an area bounded by Rock Creek Parkway, New Hampshire Avenue, the Proposed Inner Loop Freeway and the authorized Theodore Roosevelt Bridge. This is the location which, after an exhaustive study of all possible sites, has been recommended by the Department of the Interior and the National Capital Planning Commission.

The reason, of course, why Congress must concern itself with meeting this critical need is that Congress serves as the governing body for this great city. In the typical American city, the local municipal government would handle a matter of this kind—and indeed many have. By the most recent accounting, there are some 382 other American cities which already enjoy such facilities as are proposed here. By our inaction, were we to turn a deaf ear to the President's request, we would be denying the residents of the Washington area the opportunity to have a resource they greatly desire and one to which the size and stature of this metropolitan area otherwise would certainly seem to entitle them.

But we probably would be doing more than that. For this is our National Capital. This city belongs to all Americans. When George Washington in 1789 commissioned Maj. Pierre L'Enfant to plan the Federal City he directed that it be planned as a cultural and civic center for the new United States. Our Capital City is in many respects a magnificent showpiece of our way of life. It is the window through which much of the world sees the United States. I am proud of its grandeur and its spacious beauty, its gracious buildings and monuments, its unsurpassed libraries and its splendid art galleries.

Yet here is one deficiency which is broadly acknowledged. The authorities agree that Washington needs a center for the performing arts. The public seems anxious to correct that deficiency by popular donation and by their continuing patronage. Many impressive figures in the financial and theatrical worlds have pledged their backing. The American Institute of Architects has offered its wholehearted cooperation without fee in designing the structures. The President has asked that we permit this planning to get underway without further delay by acting before this Congress adjourns. The other body has acted. They are waiting now only for the "green light" from us. Your committee recommends that we give it to them by suspending the rules and passing this bill today.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Does that include tap-dancing, toe dancing and can-can dancing?

Mr. WRIGHT. I presume it would include any of those performing arts. Perhaps even the Grand Ole Opry.

Let me say this in all sincerity, Mr. Speaker, and I think it is important. I suppose that I have done my share of







Public Law 85-914  
85th Congress, H. R. 7710  
September 2, 1958

AN ACT

72 Stat. 1761.

To provide for the lump-sum payment of all accumulated and current accrued annual leave of deceased employees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That clause (6) of section 2 of the Act of August 3, 1950, as amended by section 501 of the Act of September 1, 1954 (68 Stat. 1115; 5 U. S. C. 61g), is amended to read as follows: “(6) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he lived and remained in the service until the expiration of the period of such annual or vacation leave;”.

Federal employees.  
Lump-sum payment for deceased.

SEC. 2. Section 501 of the Postal Field Service Compensation Act of 1955, as amended, is amended by inserting “(a)” after the section number and by adding at the end thereof a new subsection as follows:

Legislative employees.  
69 Stat. 124.  
39 USC 991.

“(b) Any employee of the legislative branch whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, may upon appointment to a position to which this Act applies have his initial rate of compensation fixed at the minimum rate of the appropriate level of the basic salary schedule applicable to such position, or at any step of that level that does not exceed the highest previous rate of compensation received by him during such service in the legislative branch.”

Approved September 2, 1958.







